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IFAR Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

THE GACHET COLLECTION — THE "FAKES" QUESTION

LEGAL LIABILITY FOR EXPERT OPINIONS

DECISION IN THE "STEINHARDT CASE"

INCORPORATING Stolen Art Alert

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Cover: Vincent Van Gogh (Dutch, 1853–90). Portrait of Dr. Paul Gachet, 1890. Oil on canvas, 68 x 57 cm. Musée d'Orsay, Paris. Gift of Paul and Marguerite Gachet, 1949 (RF 1949–16). P.G. III–16. © Photo RMN—Gérard Blot.

TO THE EDITOR:

Re: The Jacob Lawrence Catalogue Raisonné Project

Thank you for printing the informative overview of the Jacob Lawrence Project by Mr. Nesbett (Spring 1999). I would like to add a small footnote to the article. Mr. Lawrence was not "the first black artist to receive representation by a major New York Gallery" (pp. 10–11).

Henry Ossawa Tanner was represented by Grand Central Art Galleries during the 1920s and 1930s. It was located in the Grand Central Terminal at 15 Vanderbilt Avenue.

Dewey Franklin Mosby, Ph.D.
Director, Picker Art Gallery
Colgate University

AUTHOR'S RESPONSE:

Grand Central Art Galleries acted as an agent for Tanner, but that gallery was legally a nonprofit organization. Consequently, I should modify my previous statement to read "Lawrence was the first black artist to receive representation by a major New York commercial gallery." This statement, to my knowledge, is true.

Peter Nesbett

TO THE EDITOR:

Re: The Russo-German Dispute on "Trophy Art"

Congratulations on the above mentioned and remarkably well-written article by Burchardi and Kalb in your impressive publication (Spring 1999). This article reflects a very good insight into some of the key questions concerning looted art especially against the background of the negotiations between Russia and Germany.

In this context, I allow myself to point out the main tasks and working fields of the Koordinierungsstelle der Länder für die Rückführing von Kulturgütern (Coordination Office of the Federal States for the Return of Cultural Property) in Madgeburg (Germany)—it is the second of the two German public organizations mentioned by Burchardi and Kalb—of which I have been in charge as project leader since January this year.

The Koordinierungsstelle deals exclusively with the issue of art and cultural treasures moved due to World War II. Exact documentation and—also scientific—research of these cultural losses is of the utmost importance not only for the return of these objects as a result of past, present and future negotiations—especially between Russia and Germany—on political and professional levels but also in cases in which missing objects could turn up on the so-called "gray market"; in this context, I allow myself to refer only to the "Wtewael" Case ruled by the London High Court last year (see *IFAR Journal*, August 1998, p. 8). This research still needs to be carried out and intensified not only in Germany and Europe, but also worldwide.

For this very purpose, The Federal States of Germany founded in 1994 the Koordinierungsstelle, which registers the losses of German public institutions such as museums, archives and libraries. Thereby, the Koordinierungsstelle keeps close contact with all affected institutions and collects all kinds of data on missing objects and the research results in a database especially designed for this purpose. This art loss database has registered more than 3.5 million looted art objects until now; about 28,000 of these objects are described in a very highly detailed manner by specialized art historians. Parts of this art loss database can be found in and searched worldwide by a search mechanism via the Internet (**http://www.beutekunst.de**). This Internet database is free — accessible for everyone without any charges, registration requirements, passwords, etc.

The Koordinierungsstelle also publishes in cooperation with five states—among them also Russia—the international newsletter *Spoils of War,* which asserts the international flow of information among experts with regard to the issue of European cultural losses due to World War II. This newsletter also can be found on the Internet within the **www.beutekunst.de** website.

Especially concerning the Russo-German negotiations on looted art, the Koordinierungsstelle also takes part in the therefore established so-called "Fachgruppen" on museums, libraries and archives. In this context, the Koordinierungsstelle researches not only the above-mentioned losses by German institutions but also offers its help in the same efforts made by Russian institutions. By doing this, the Koordinierungsstelle works with high-tech media equipment such as the Internet and computer databases especially designed for the documentation of all kind of lost objects due to World War II.

I would be very thankful and glad if you could inform your readers and whom it may concern by publishing this information in the next issue of *IFAR Journal.*

Dr. Michael M. Franz
Project Leader

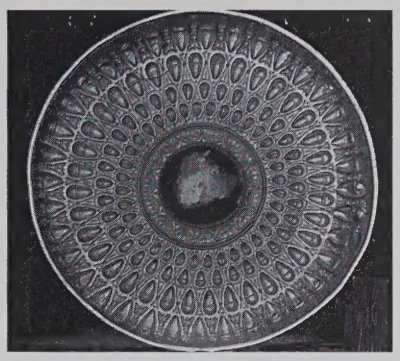
LONG-AWAITED RULING IN THE "STEINHARDT CASE"

A federal appeals court July 12 partially affirmed a lower court decision against collector Michael H. Steinhardt regarding an antique gold phiale (platter) dated c. 400 B.C. that was confiscated from his New York home by U.S. Customs in 1995. The phiale, of Sicilian origin and a virtual twin of a phiale in the Metropolitan Museum of Art in New York, is claimed by the government of Italy under its antiquities protection laws. The dealer who imported the phiale to the U.S. [via Switzerland] had listed its "country of origin" as Switzerland rather than Italy on customs entry forms. The customs forms also misstated the phiale's monetary value.

The case has been closely watched by the museum, collecting, and archaeological communities. Friends of the court briefs were filed by the American Association of Museums (AAM) and Association of Art Museum Directors (AAMD), among others, asking the court to overturn the lower court decision; and by the Archaeological Institute of America, among others, in support of the decision.

The facts, which have been extensively discussed elsewhere (see *IFARreports*, December 1997; *IFAR Journal*, Summer 1998), are essentially these. In December 1991, Steinhardt purchased the phiale, known as a phiale mesomphalos because its central decoration represents the omphalos, the mythic navel of the universe, for $1.2 million (including commission). An American dealer, Robert Haber, from whom Steinhardt had made many previous purchases, acted as intermediary between Steinhardt and a dealer in Switzerland.

Steinhardt displayed the phiale in his home until November 1995, when it



Gold phiale mesomphalos, c.400 B.C. Claimed by the Italian government.

was seized by U.S. Customs, after the government of Italy made a request to the United States for its return. In November 1997, a New York Federal District Court ruled that the phiale had been improperly imported to the U.S. due to misstatements of "country of origin" and of value on the customs entry form. Alternatively, the District Court held that because Italy's 1939 Patrimony Law vested ownership in the Italian government of antiquities found on Italian soil, the phiale (found in Sicily) was owned by Italy

"THE COURT OF APPEALS DID NOT ADDRESS THE MORE CONTROVERSIAL ISSUE. . . . "

and was, therefore, "stolen property." The District Court held that the phiale was thus properly seized under a U.S. Customs Law (Section 1595a (c)), which permits Customs to seize stolen property imported into the United States. Steinhardt appealed.

The current appeals court decision addressed only that part of the lower court ruling dealing with whether the U.S. had the right to seize the phiale because of the false information on the customs forms relating to country of origin. Because the appeals court found the false information "material" to the import process (Steinhardt argued it was not), it let the lower court's ruling stand. Much of the appeals court discussion focused on the standard for determining materiality.

The Court of Appeals did not address the more controversial issue of whether the U.S. government had the right to seize the platter as "stolen property," that is, whether U.S. law, which constitutionally forbids governmental taking of private property without just compensation, should recognize Italy's claimed title to the phiale predicated on Italy's declared ownership under its Patrimony Law.

Specifically, the appeals court stated:

> We hold that importation of the phiale violated 18 U.S.C. §545 because of the false statements on the customs forms. We need not, therefore, address whether the NSPA [National Stolen Properties Act] incorporates concepts of property such as those contained in the Italian patrimony laws. Cf. United States v. McClain, 545 F. 2d 988, 994-97 (5th Cir. 1977) (adopting broad definition of property under NSPA).

It was concern for the ramifications of the latter issue, which gives the Customs Service authority to seize an object and makes "the burden of proof and cost of appeal . . . the responsibility of the museum," that led the AAM to file their *amicus curiae* on behalf of Steinhardt. In its members newsletter written after the appeals court decision, the AAM promised to "monitor" the situation and "voice its concern" if the U.S. government takes similar actions again.
—S.F.

SEATTLE ART MUSEUM RETURNS MATISSE *ODALISQUE* TO ROSENBERG FAMILY

BUT JOURNEY CONTINUES, SEE "NOTE"

In June, almost two years after questions arose regarding legal ownership of a 1928 Henri Matisse oil painting, *Odalisque*, in the collection of the Seattle Art Museum (see *IFARreports*, December 1997), the museum returned the painting to the heirs of Paul Rosenberg, a noted French Jewish art collector and dealer.The museum had become convinced that this was the same painting taken from Rosenberg during World War II.

Possible ownership problems were brought to the museum's attention in September 1997 by Virginia Bloedel Wright, a museum trustee, whose parents, Mr. and Mrs. Prentice Bloedel, had bequeathed the painting to the museum; half upon the death of Mrs. Bloedel (in 1991), the other half upon Mr. Bloedel's death (in 1996).

The discovery of ownership came by chance. Mrs. Wright's son noticed a photograph of the painting in Hector Feliciano's book, *The Lost Museum*, whose English edition was published in 1997 (see Book Section this issue of *IFAR Journal*). Feliciano's book examines the plundering in France of five great Jewish art collections, including that of Paul Rosenberg, during the Nazi occupation. Feliciano captioned the photo: "*Oriental Woman Seated on Floor*, whereabouts unknown, Paul Rosenberg Collection."

The Bloedels had purchased the painting in 1954 from Knoedler & Company in New York. The gallery has disputed that the painting belongs to the Rosenberg family, which made a formal claim to the museum for restitution in October 1997. Thus started a 3-way dispute. The museum, as a public trust, expressed the need to verify the Rosenberg family claim before returning the painting, given that Matisse painted several Odalisques with similar and varying titles and that Paul Rosenberg sold many works after they were returned to him following the war.

Matisse, *Odalisque*, 1928. Returned to the Rosenberg family by the Seattle Art Museum.

The museum engaged Ori Soltes of the Holocaust Art Restitution Project (HARP) in Washington. D.C. to undertake the research. Simultaneously, the museum's own researchers in Seattle and another researcher in Paris also worked on the project. Museum Director, Mimi Gardner Gates, told IFAR that "one of the most difficult aspects of the project was gaining the time needed. . . . There was such pressure to expedite matters. People had difficulty understanding why it took so long." But, as HARP's report makes clear, extensive archival research was needed, and, still, gaps remain. Soltes explored, among other questions:

- The painting's relationship to similar Matisse paintings
- Whether Paul Rosenberg ever reclaimed this painting after the war

A major section of the report outlines the circumstances under which the Odalisque claimed by the Rosenberg heirs (called by them "Orientale Assise Par Terre")was removed from Paris by Paul Rosenberg in 1940, placed by him along with 161 other paintings for safekeeping in a bank vault in Libourne in Southwestern France, then was confiscated by the Nazis and shipped back to Paris, and subsequently traded along with two other Rosenberg paintings, to a German dealer living in Paris (Gustav Rochlitz) in exchange for one painting from the School of Fontainebleau. At that point, however, the ownership is unclear until the painting enters the Drouant-David Gallery in Paris sometime after the war, from where it passes to Knoedler around 1953.

A key factor for both HARP and the museum was the discovery of documents dated 1960 indicating to them that at that point the Odalisque had still not been returned to the family (Paul Rosenberg died in 1959).

During the almost forty years that the painting was in the Bloedel home in Washington State, it was exhibited once, as part of a 1966/67 loan exhibition: "Twentieth Century Paintings from Collections in the State of Washington," which traveled to the Gallery of Modern Art in Washington D.C. and then to the Seattle Art Museum. No ownership questions were raised at that time.

While researching the *Odalisque*, the museum also undertook a provenance search of all the other paintings in its collection—as mandated by the 1998 AAMD (Association of Art Museum Directors) guidelines (see *IFAR Journal*, Autumn 1998). Mrs. Gates told IFAR that she is confident that "no other paintings have World War II problems."
—S.F.

NOTE: At press time, IFAR learned that the Rosenberg family has sold the *Odalisque*. The Bellagio Gallery of Fine Art, Las Vegas, has confirmed to IFAR that the painting is there and was put on view August 11th.

RUSSIAN COURT STRIKES DOWN "TROPHY ART" LAW

The Russian Constitutional Court on July 20 struck down parts of a controversial law regarding the status of the millions of objects taken by the Soviet Army from Germany during and after World War II. (See *IFAR Journal*, "The Russo-German Dispute on Trophy Art," Spring 1999). The law, entitled "Federal Law on Cultural Valuables Displaced to the U.S.S.R. as a Result of World War II and Located on the Territory of the Russian Federation," now goes back to Parliament for revision.

Russian President Boris Yeltsin strongly opposed the law, in part because of his desire to establish better relations with Germany. It was passed by Parliament over his veto, and he signed it into law in April 1998 only after he was ordered to do so by the Constitutional Court.

The law provides for the nationalization of the objects taken from Germany and its allies—including masterpieces by Degas, Dürer, and Rembrandt, among others, plus the so-called "Trojan gold"—and outlines stringent conditions under which some of the objects can be returned to foreign governments and families.

As of press time, the deadline for submission of claims is October 21, 1999. Individuals may file claims only through governmental authorities. U.S. citizens who think that their property is or may be in the territory of the Russian Federation are advised to file claims through the State Department. Contact: Judith Osborn, Office of the Legal Adviser, U.S. Department of State, Washington, D.C. 20520; telephone: (202) 647-5154. For more information about the Russian law and claim procedures, see the website for The Documentation Project: **http://docproj.loyola.edu.**
—S.F.

GUILTY VERDICT IN COOPERMAN ART FRAUD TRIAL

A story that began with an owner's scheme to steal two of his own paintings, Monet's *The Customs Officer's Cabin at Pourville* (1882) and *Picasso's Nude Before a Mirror* (1932), in order to collect the insurance money (see *IFAR Journal*, winter 1998/99 and *IFARreports*, June 1997 and October 1992), ended in a Los Angeles courtroom on July 20th. A jury found Steven G. Cooperman, a former ophthalmologist, guilty of multiple counts of conspiracy, wire fraud, and money laundering—among other crimes. Sentencing is scheduled for October 19. In the meantime, Cooperman is out on $10 million bail, secured with property and cash. He wears a monitoring device, and his home is under electronic surveillance.

Cooperman did not testify at the trial, which lasted two weeks. Nevertheless, as the prosecuting attorney Richard E. Robinson told IFAR, his own words helped to convict him. Those words came from transcripts of audio tapes of Cooperman and his friend, former attorney James Tierney, who testified at the trial that he had helped Cooperman devise the 1992 scheme to steal the paintings so as to claim the insurance money. According to Tierney, Cooperman was financially strapped at the time. He owed millions of dollars and was being sued by one bank for non-payment of a loan. Tierney carried out the theft while Cooperman was away on vacation, having given Tierney the keys to his Brentwood, California home and the code to his burglar alarm. Tierney removed the paintings and passed them to a former law associate, Charles Little, who stored them in an air-conditioned locker in Cleveland, Ohio. The scheme began to unravel in 1997 when Little's former girlfriend notified authorities.

Tierney, who has pled guilty to aiding and abetting wire fraud, cooperated with the investigation. After he was confronted by the FBI, Tierney agreed to tape-record conversations with Cooperman. Those conversations included self-incriminating remarks by Cooperman in which he discussed ways to dispose of the paintings by means of a "shredder," "garden shears," or a "dumpster." Tierney objected to the dumpster idea because a garbage man might come along, pick the works up and say, "Hey, this looks like a Monet!" The tapes showed that when Tierney suggested to Cooperman that they let the paintings be found so that the insurance companies could recoup their money (the insurance companies had paid Cooperman $17.5 million), Cooperman responded that "sleeping dogs are best left sleeping."

Currently, the FBI has the paintings. According to the U.S. Attorney, they'll be retained "as long as they continue to be needed as evidence," at which point they will be returned to the insurance companies, which have owned them since paying Cooperman's claim. The government plans to seek at least $12 million in restitution.
—S.F.

GENEVA ART-LAW CENTRE TO HOLD SYMPOSIUM ON ART EXHIBITS

The Art-Law Centre in Geneva, Switzerland will hold a one-day symposium on October 8, 1999 on the legal aspects of art exhibits—including loans, insurance, and copyright issues. Topics to be examined include the Schiele case currently on appeal in New York, and copyright issues affecting merchandizing and publications. Please contact the Centre for information (tele: 4122 800 3270).

Two IFAR Evenings on "Practical" Art Issues

THE IRS, ART, AND YOU: INSIDE THE IRS' ART ADVISORY PANEL

On May 5, IFAR hosted an evening on the IRS, the first of a new series devoted to the "practical" issues involved in the collecting and owning of art. The featured speaker, Karen Carolan, Chief of the IRS' Art Appraisal Services and Chair of its Art Advisory Panel, flew in from Washington to address IFAR supporters, subscribers, and guests in the National Academy of Design's Huntington Room. Ralph Lerner, an attorney and co-author of a textbook on art law, gave a lively alternative perspective of the tax code (sometimes disagreeing with Ms. Carolan's interpretations). Robert Dance, President of the Private Art Dealers Association (PADA), offered additional insight into the appraisal process as it affects estates and donations. PADA is one of several organizations offering appraisal services. (The Art Dealers Association of America has a long-established appraisal program, and members of the American Association of Appraisers and the American Society of Appraisers, among others, also do appraisals.)

Using slide-illustrated case studies, Ms. Carolan described the workings of the IRS' Art Advisory Panel, which was established in 1968 to provide the IRS with outside expertise. All tax cases that are selected for audit and that include art/ cultural property with a declared value over $20,000 come before the Panel. Comprised of academics, dealers, and others in the art field, the Panel meets about once or twice a year in each specialty area. In 1998, the Panel on Painting and Sculpture met twice, while panelists in other speciality areas—African, Oceanic, Far Eastern, Asian, and Art of the Americas—were called upon as needed. The meetings are closed to the public, and deliberations are confidential. Ms. Carolan could discuss only cases that had made their way to tax court, and she explained the reasons why the IRS rejected the initial tax claims. As outlined in material Ms. Carolan distributed, the Advisory panel reviewed 87 Estate and Gift Tax Cases and 15 Charitable Gift Cases in 1998. Fifty-four percent of the cases were accepted without adjustments or recommendations for additional study. Panelists weren't told whether the declaration was for Estate or Charitable purposes when making their determinations; nor were they informed of who owned the art works.

The presentations and question-and-answer period touched upon many subjects, ranging from blockage discounts to the tax consequences of the buyer's premium on auction sales (on which there was some difference of opinion) to "advance determination reviews," introduced in 1996 but rarely used. Mr. Lerner noted that he has taken advantage of the advance determination ruling more than any other attorney and is surprised that it isn't more popular.

In short, the evening afforded attendees a valuable opportunity to ask questions of the tax experts.

THE HOW, WHY, AND WHAT OF ART INSURANCE

Panelists: Jeffrey Haber, Acordia Northeast; Harold Smith, Smith Adjusters; Dorit Straus, ACE USA; Nicholas Reynolds, AXA Nordstern; Jack Josephson, collector (and Chairman, IFAR). Moderator: Franklin Feldman, Co-Author, *Art Law: Rights and Liabilities of Creators and Collectors*, and Chair, IFAR, Law Advisory Council.

The *IFAR Evening* on June 3 brought together a panel of experts designed to help demystify art insurance. A complex case study involving two works of art, one stolen while on loan to a museum exhibit, the other damaged during the exhibit, was the springboard for a panel discussion on all the basics of art insurance: valuation, risk, damage assessment, restorations, shipping, market value vs. agreed value, and authentication.

Before introducing the case study, however, the panelists were asked to explain the different roles played by insurance brokers, underwriters, and adjusters. Essentially, brokers represent the insured and help obtain the appropriate insurance; underwriters take the risk; they are the people the broker approaches; adjusters are the people you meet if you have a loss. They investigate the loss, determine whether it's covered under the policy, negotiate a settlement, and subsequently try to recover the item if it's been stolen.

Mr. Feldman then asked a series of key questions suggested by the case study, such as:

- Should a museum borrowing a work of art simply accept the lender's valuation? (Probably not, but often unavoidable.)
- Should a museum's underwriter be able to ask the lender of art what value he has insured the work for under his own policy?

(Yes, but the underwriter is rarely given that opportunity by the borrowing museum; in fact, the underwriter has no dealings with the lenders. According to Mr. Haber, "the underwriter of a museum policy doesn't even necessarily know what art is in the museum" at any one time—except in extraordinary circumstances.)

~ Is the insurance company bound by the "agreed value" on the insurance policy, even if the work is later determined to be worth less? (Yes, except in cases of fraud.)

~ Should art be insured under a homeowner's policy or a special art policy? (It's best to go to specialists because fine arts insurance is a very sophisticated kind of insurance.)

One of the most interesting discussions concerned insurance rewards, which, according to the experts, are very carefully worded to pay "for information leading to arrest and recovery," not for the return of the work itself, which could easily become a ransom situation. In the words of one panelist, if thieves knew that all they had to do was wait for a reward, there "wouldn't be a painting left on a museum wall."

The dynamic of a panel triggered vigorous interchange and differing opinions (not surprising given the different vantage points of the panelists). The format also encouraged individual questions from the audience, which was broadly representative of the art world, from museum registrars, to collectors, appraisers, dealers, attorneys, artist foundation executives, and academics.

Sharon Flescher

Karen Carolan, Ralph Lerner, and Robert Dance. *IFAR Evening* on the IRS.

Franklin Feldman, Jeffrey Haber, Harold Smith, Nicholas Reynolds, Dorit Straus, and Jack Josephson. *IFAR Evening* on Art Insurance.

IFAR Evenings

SAVE THE DATES!

Tuesday, October 26, 1999
6:00–8:00 p.m.

ART, LAW AND ETHICS: THEORY AND PRACTICE

A talk by Kirk Varnedoe
Chief Curator, Department of Painting and Sculpture, Museum of Modern Art

. . . . . .

Thursday, November 18, 1999
6:00–8:00 p.m.

COPYING CHINESE PAINTINGS: FLATTERY OR FORGERY?

A talk by H. Christopher Luce
Director, The Henry Luce Foundation

Doctor Gachet—Friend of Cézanne and Van Gogh?

EDITOR'S NOTE: *Dr. Paul Ferdinand Gachet (1828–1909)—homeopathic physician; friend and early patron of the Impressionist and Post-Impressionist painters; amateur artist who painted under the pseudonym of Paul van Ryssel.*

Doubts about the authenticity of parts of Gachet's large art collection, including works by Van Gogh and Cézanne, arose after his death, fueled by the reclusiveness of his children and by the Gachets' practice (father and son) of copying works by artists in their collection. Unknown to scholars until recently, Gachet's son documented his father's collection in several typewritten volumes now housed at the Wildenstein Institute in Paris. Between 1949 and 1954, in a series of extraordinary donations and sales, much of the Gachet art collection entered the French museums. The authenticity of some of those works, including one of the two versions of Van Gogh's Portrait of Dr. Gachet, *is currently challenged by several scholars, as part of an ongoing debate over the authenticity of various Van Gogh and Cézanne paintings in collections around the world.*

The following article by Walter Feilchenfeldt, who collaborated on the John Rewald Cézanne Catalogue Raisonné, addresses some of the issues surrounding the Gachet collection, particularly those relating to Cézanne.

Figure 1. Vincent Van Gogh (Dutch, 1853–90). *Portrait of Dr. Paul Gachet*, 1890. Oil on canvas, 68 x 57 cm. Musée d'Orsay, Paris. Gift of Paul and Marguerite Gachet, 1949 (RF 1949–16). P.G. III–16.©Photo RMN—Gérard Blot

Nothing creates more interest in a person, a work of art, or even an entire art collection than the suspicion of fraud, as is the case with Paul Gachet, father and son, and their circle. The part of the Gachet collection that was donated to the French national museums recently traveled to the Metropolitan Museum in New York for a temporary exhibition.[1] A few masterpieces, especially the ones by Vincent Van Gogh, made the effort worthwhile, as these works are generally not allowed to leave France. However, the exhibition confronted us with a number of questions still awaiting answers.

All we basically know of Dr. Gachet from reliable sources is connected with Van Gogh's stay in Auvers in the last months of the artist's life. Dr. Gachet is not known as an outstanding physician. Anyone familiar with Vincent's biography and his suicide in July 1890 will be puzzled by Gachet's decision not to remove the bullet from the artist's body, as most people think he should have at least tried to do, and which would probably have saved the artist's life. But the fact that in spite of this, Gachet's relationship with Vincent's brother Theo and later with Theo's widow, Johanna Van Gogh-Bonger, remained cordial and even very close, shows that there were certainly no grudges borne.

1 Cézanne to Van Gogh: The Collection of Doctor Gachet. Organized by the Musée d'Orsay. Grand Palais, Paris, January 28–April 2, 1999; Metropolitan Museum, New York, May 25–August 15, 1999; the Van Gogh Museum, Amsterdam, September 24–December 5, 1999. Catalogue: Anne Distel and Alyson Stein.

Dr. Gachet was a respected art lover. The German art historian Julius Meier-Graefe visited him in 1903 and tried to memorize his Van Gogh paintings, which Meier-Graefe then listed in his publication of 1904.[2] In 1905 Gachet lent his portrait by Van Gogh (Fig. 1) to the large exhibition at the Stedelijk Museum in Amsterdam, as well as to the Salon des Indépendents in Paris. At that time nobody questioned the authenticity of the painting—Van Gogh's second version of his portrait—or attacked Dr. Gachet's integrity in any way.

When Dr. Gachet died in 1909, his son Paul (Gachet *fils*) took over the family estate. His reluctance to allow scholarly access to the collection fueled arguments as to authenticity. When art experts did not agree with Gachet *fils*' attributions, he withdrew from communication and neither Venturi nor de la Faille were given access to the material they needed for their respective catalogues raisonnés.[3] This, of course, casts doubt on Gachet, and when we see the information sheets on each work, written in Gachet *fils*' extraordinary precious handwriting, often ending with the certification of authenticity followed by an equally eccentric signature, we begin to question the integrity of his work.

VAN GOGH

This is not the place or the moment to discuss all forty-four paintings and drawings by Van Gogh catalogued by Paul Gachet *fils*, of which all the ones I have actually seen appear genuine to me. Some of the paintings, especially the ones executed in the late summer of 1890, just before his death, are not great works of art. They are sketches, probably completed in hours, and have no pretensions to being masterpieces, though—in my opinion—they are perfectly authentic, even typical for the artist. All the Van Gogh paintings executed in Auvers and St. Rémy (1889–1890) can convincingly be considered a gift to Gachet by the artist or, after his death, by his brother Theo. This leaves only the two flower paintings from the Paris period, where it would be very helpful to know how and from whom Dr. Gachet acquired them. But the lack of information regarding the early provenance of Van Gogh's paintings executed in Paris in 1887 and given away or sold in that period is a general problem and not one especially related to the Gachet collection.

CÉZANNE

Very different is the situation with Cézanne, who spent some time in Gachet's surroundings twenty years before Van Gogh, when Paul Gachet *fils* was about to be born. Unlike Van Gogh, he was definitely not a friend of Dr. Gachet. Cézanne came to Auvers toward the end of 1872 after spending the summer in nearby Pontoise painting with Pissarro. He stayed in Auvers until the beginning of 1874. It is clear that like Pissarro, Guillaumin and many others, he would join Dr. Gachet in his hospitable

"ALL THE VAN GOGH PAINTINGS EXECUTED IN AUVERS AND ST. RÉMY...CAN CONVINCINGLY BE CONSIDERED A GIFT TO GACHET BY THE ARTIST OR, AFTER HIS DEATH, BY HIS BROTHER THEO."

home in Auvers, but there is no record of a friendship between the two, other than the fact that Dr. Gachet is said to have visited Cézanne's father in Aix-en-Provence and tried to convince him to support his son in a more generous way. It is therefore more than questionable that Dr. Gachet was given the forty-three works (paintings, drawings, and watercolors) by Cézanne that he owned according to his son's catalogue. As Gachet was not a rich man, it is also unlikely that he bought these works on the art market; besides, other than at Père Tanguy's paint shop in Paris, Cézanne's works were difficult to find. Therefore, we have to consider that a few wrong attributions might be hidden in this group of works attributed to Cézanne by Gachet *fils*.

In the 1870s, there was only one person who had received works as a gift by Cézanne: his friend from his school days and adolescence, Emile Zola. We also must not forget that Cézanne would only give works away which he considered worthy of the friend and of himself, like the consequently signed and dated *Abduction* (R.121) and *Black Clock* (R.136), both "proudly" presented before 1870 to Emile Zola.[4] The *Black Clock* of 1867–69, the *Green Pot and Pewter Jug* (R.137), and *Pots, Bottles, Cup and Fruit* (R.138), all of the same date, are considered among the artist's masterpieces. It is, therefore, hard to believe that between the three just-mentioned paintings and the still-life dedicated and presented to Pissarro, *Still-life with Soup Tureen* (R.302) of 1877, Cézanne produced a number of such poor still-lifes as the ones Gachet *fils*' catalogue would have us believe were executed by Cézanne.

There are a few Cézanne works in the Gachet collection which are beyond suspicion. First of all, *A Modern Olympia* (Fig. 2; R.225), the painting which was exhibited as belonging to Gachet at the First Impressionist Exhibition held in Nadar's Studio in 1874. Then, the two landscapes: *Dr. Gachet's House at Auvers* (R.192) and *Panorama Auvers* (R.221), one of which is mentioned by Vincent in the letter to his brother of May 20, 1890. Also the flower paintings in Gachet's collection pose no problems. Cézanne, known to be a slow working artist, who rarely painted flowers as they never lasted long enough, needed the fresh supply from Gachet's famous flower garden until the work was finished. *The Bouquet in a Small Delft Vase* (R.227/Gachet Exhibition Cat. No.8) and *Dahlias* (R.223/Gachet Exhibition Cat. No.9) were certainly executed in Dr. Gachet's surroundings.

2 Julius Meier-Graefe. *Entwicklungsgeschichte der Modernen Kunst.* Vol I. Stuttgart: Verlag Jul. Hoffmann, 1904.

3 Lionello Venturi. *Cézanne: Son art—son oeuvre.* 2 vols. Paris. Paul Rosenberg Éditeur, 1936.
J.-B. De la Faille. *L'oeuvre de Vincent van Gogh: Catalogue Raisonné.* 4 vols. Paris and Brussels. Éditions G. van Oest, 1930.

4 All numbers of Cézanne paintings cited in parentheses preceded by "R" refer to: John Rewald, *The Paintings of Paul Cézanne: A Catalogue Raisonné.* 2 vols. New York: Harry N. Abrams, 1996. Written in collaboration with Walter Feilchenfeldt and Jayne Warman.

Figure 2. Paul Cézanne (French, 1839–1906). *A Modern Olympia* (sketch), 1873–74. Oil on canvas, 46 x 55 cm. Musée d'Orsay, Paris. Gift of Paul Gachet (RF 1951–31) P.G. II–25.

"IT IS...MORE THAN QUESTIONABLE THAT DR. GACHET WAS GIVEN THE FORTY-THREE WORKS...BY CÉZANNE THAT HE OWNED ACCORDING TO HIS SON'S CATALOGUE."

PROBLEMATIC CÉZANNES

Gachet *fils* claimed that Cézanne dedicated two still-lifes to his father, one that he named "The Accessories of Dr. Gachet"—*Pitcher, Glass, Fruit and Knife* (Fig. 3; R.203) and one which is called "The Accessories of Cézanne: Still-Life with Medallion of Philippe Solari" (Fig. 4; R.211), where Solari looks very much like Dr. Gachet himself. With both paintings I have great difficulty accepting the authorship of Cézanne.

John Rewald recognized the weakness of these paintings, but regarded them as authentic simply because of "the formal testimony of Paul Gachet's son," as he explains in his comment to *Medallion of Solari* in his Cézanne Catalogue Raisonné. Both these still-lifes are large examples of a style repeated in several smaller pictures , which are all very unlikely to be by Cézanne. A very important feature in Cézanne's paintings is the apple. In his entire oeuvre, apples seem to have a rock-like consistency, not inviting the observer to enjoy the fruit as one could with 17th century Dutch still-lifes. This is not the case in Gachet's painting *Pitcher, Glass, Fruit, and Knife* (Fig. 3; R.203), where the apples, the pear and the tomatoes—an object Cézanne never used elsewhere in his paintings—are soft, as if composed of cotton wool rather than rock. The same soft fruit can also be detected in R.204 and R.205—both of which belonged to Dr. Gachet, and in R.306, a painting that turned up in the 1980s without a documented provenance.[5]

Medallion of Solari (Fig. 4) poses different questions. This work was recently x-rayed to help resolve authenticity issues. It revealed a portrait underneath the still-life. Is the portrait actually by Cézanne? Is the technical analysis in any way conclusive as to authorship? The composition of the painting is not convincing: The dark uniform background might be a consequence of restoration, but did Cézanne ever use a brown cloth? The brown chest we find in a later still-life by Cézanne: *Apple and Biscuit*, (R.431) of 1879–80. A copyist with possibly unethical intentions likes to borrow "motifs" from other, often later, works by the artist he is copying.

Figure 3. Paul Cézanne. The Accessories of Dr. Gachet—*Pitcher, Glass Fruit and Knife*, c.1873. Oil on canvas, 61 x 73 cm. Fondation Angladon-Dubrujeaud, Avignon. P.G. II–16.

Figure 4. Paul Cézanne. *The Accessories of Cézanne: Still-Life with Medallion of Philippe Solari*, 1872. Oil on cardboard, transferred to canvas, 60 x 81 cm. Musée d'Orsay, Paris. Gift of Paul Gachet, 1954 (RF 1954–7). P.G. II–10.

5 R.204—*Still-life with a so-called Urbino Vase;* R.205—*The Italian Faience;* R.306—*Two Apples and a Glass*

"...WE HAVE TO CONSIDER THAT A FEW WRONG ATTRIBUTIONS MIGHT BE HIDDEN IN THIS GROUP OF WORKS ATTRIBUTED TO CÉZANNE BY GACHET FILS."

It is usual procedure that artists copy other artists they admire. Usually older masters are chosen. Cézanne took Rubens or Delacroix; Van Gogh looked to Rembrandt or Millet. It is very unusual though that artists copy contemporary art and if they do so, as in Cézanne copying Pissarro (R.184/Gachet Exhibition Cat., Fig. 81) or Guillaumin (R.293), it is the exception and they do it to learn. From today's perspective, it is hard to understand what Cézanne, even in the 1870s, wanted to learn from Pissarro and Guillaumin. One is inclined to think that already then he wanted to put his colleagues in their place. However, the Gachets made quite an "industry" of copying the works of their contemporaries themselves, particularly the paintings they attributed to Cézanne. The general verdict by scholars, including Rewald, is that all the copying artists of the "Gachet-clan," beginning with Gachet *père*, who was a bad copyist, and ending with Blanche Derousse, who did the copies systematically for the Gachet archives, are not good enough artists to have created the paintings which Paul Gachet *fils* claimed to be by Cézanne. But the red apples painted by Dr. Gachet, alias Paul van Ryssel (Fig. 5), I seem to recognize in shape, color and consistency in some of the paintings attributed to Cézanne.

The paintings wrongly attributed to Cézanne in the Gachet collection do not all have to be forgeries, but are much more likely to be by other artists. It has been suggested that *Dead Birds* (R.206/Gachet Exhibition Cat. p.205) and *Apples and Glass* (R.208) are by Armand Guillaumin. Both these attributions are plausible but not provable, the same as with the present attribution to Cézanne.

In Cézanne's lifetime, his dealer Ambroise Vollard compiled a collection of Cézanne photographs probably with the intention of doing a book similar to his *Atelier Renoir.* These photographs were sent in albums to Cézanne's son, who annotated them and returned them to Vollard. Only an inclusion in these albums [24], now at the Wildenstein Institute in Paris, prove the early existence of the photo. The photographs found in the Vollard Archives in the Musée d'Orsay do not make the same impact. These photos might have been collected and annotated at a much later date and were not submitted to Cézanne's son for approval at the time of the albums. However, all the Vollard photographs should not be overestimated as they are not in themselves proof of authenticity.

In the preface to Rewald's Catalogue Raisonné, I wrote, that "Of the twenty-four Cézanne paintings owned by Gachet, seventeen

Figure 5. Paul van Ryssel.(Dr. Paul Gachet, 1828–1909) *Apples.* Oil on cardboard, 27 x 35 cm. Signed l/r with the monogram: PVR. Musée d'Orsay, Paris. Acquired from Paul Gachet, 1958 (RF 1958–16).

are included in the Vollard photo archives, which means that they were recognized as authentic in Dr. Gachet's lifetime. The remaining seven should be given further critical examination."[6] In the Exhibition Catalogue for the current Gachet exhibition, this quote has been misinterpreted as: "Feilchenfeldt questions the authenticity because it lacks early documentation in the form of a Vollard photograph."[7] This is not the case.

FUTURE RESEARCH

If one is questioning the authenticity of a work of art, documentation as well as technical information can only be of help but never the reason for doubt. The reason can only be the scholarly knowledge of the artist's oeuvre, which has to be the knowledge and the concept of the entire oeuvre the artist executed. Preferably one should also obtain in addition knowledge of the entire oeuvre of the artist's contemporaries. One's eye then has to be put into synchrony with one's knowledge, and then, having evaluated all the evidence, one's opinion should be brought forward in scholarly form. This and the actual examination of the work should distinguish the scholar from the journalists who are inclined to just announce opinions.

Not wanting to be attacked for doing that very thing, I shall end my survey here with my assurance that I shall prepare the definitive paper stating which works included by John Rewald in his *Cézanne Catalogue Raisonné* of 1996, in my opinion and with my present knowledge of the artist's work, should now be excluded from the oeuvre of Paul Cézanne.

Walter Feilchenfeldt
Art Dealer and Art Historian
President, CINOA

6 Rewald, *op. cit.*, p. 15
7 Gachet, *Exhibition Catalogue*, p.198ff, for R.59, R.208, R.355, R.211, R.204, R.205 and R.232.

Expert Art Opinions and Liabilities

EDITOR'S NOTE: *As part of its longstanding interest in art authentication, IFAR asked attorney Judith Bresler to update her article on the legal liability of expert opinions, published in* IFARreports, *October 1987.*

United States art market abounds with fakes, forgeries, works of questionable provenance, and art of dubious merit. This unwanted material has spawned a need for expert opinions that serve to abet or abort art transactions. Accordingly, the appraisal of art by art appraisers and the authentication of art by art historians, *droit moral* holders[1] for a given artist, and art appraisers (collectively, "art experts") have become thriving industries. Another influential force that has emerged in the art market is art criticism: art critics and scholarly commentators (collectively, "commentators") are a potent force in the formation of reputation in the art world. Experts and commentators bear comparison: When a prospective buyer or seller commissions the opinion of an art expert, a legal relationship is established between the two parties that gives rise to an affirmative duty of care on the part of the expert to the commissioning party, that is, potential plaintiff. It follows that failure by the expert to adhere to the requisite duty of care can cause the expert to incur liability. On the other hand, the services of a commentator, who usually publishes an opinion about an artwork in a magazine or a newspaper to an audience at large, are not generally commissioned. Therefore, the commentator lacks a parallel affirmative duty of care to a specific party. Does this mean that the commentator is able to express an opinion about an artwork to the public at large, or some segment of it, without fear of an incipient lawsuit? As will become clear, the commentator is empowered to speak quite freely—provided he or she strictly adheres to a few legal mandates.

"A COMMENTATOR IS EMPOWERED TO SPEAK QUITE FREELY—PROVIDED HE OR SHE STRICTLY ADHERES TO A FEW LEGAL MANDATES."

This article is an overview of the more common tort liabilities that can be incurred in the rendering of opinions about art—and how the opinion-giver can limit his or her legal exposure. The theories of tort liability to be discussed are disparagement, defamation, negligence, and negligent misrepresentation. Each is addressed in turn.

DISPARAGEMENT

One whose false statement about an artwork has reduced the market value of the work may be liable for disparagement. A plaintiff under this theory must prove that[2]

- A legally protected interest was affected by the comment
- The comment had an injurious character
- The comment was false
- The comment was published, that is, written or spoken to a third party
- The circumstances of publication were such that reliance on the comment by a third party was reasonably foreseeable
- The third-party recipient understood the comment in its injurious sense
- The third-party recipient understood the comment as applicable to the plaintiff's interests
- The pecuniary loss resulted from the publication
- The defendant knew his or her statement was false or acted with reckless disregard of its truth or falsity

Example 1. Suppose that at a cocktail party an art professional—be he or she an expert or commentator, since it would be reasonable to rely on either's opinion—sees a painting by Jan Doe, a famous living artist, hanging on the wall. A fellow guest informs the art professional that a mutual friend is trying to decide whether or not to buy the painting from a dealer. The art professional approaches his friend, who is surrounded by people, and, knowing that his statement is false, announces that there is a diminishing secondary market for Jan Does and that the painting is not a good investment. The friend heeds the art profes-

1 Where an artist is deceased, the holder of the decedent-artist's *droit moral* (in nations recognizing the *droit moral* and a postmortem application of such rights) is generally regarded as the definitive authenticator of the artist's work.

2 See Restatement (Second) of Torts sec. 651 (1977).

sional's remark and does not buy the painting. The result? The art professional would be subject to liability to the dealer for disparagement.

Example 2. The facts are the same except that this time the art professional merely has a high degree of awareness of the probable falseness of his statement. The result is the same: the art professional would be subject to liability to the dealer for disparagement. Reckless disregard of the truth or falsity of one's statement renders the speaker liable, as surely as does knowledge of a statement's falsity.

Example 3. Again, the facts are the same except that this time the friend approaches the art professional, draws him into a private room, tells him that he is trying to decide whether or not to buy the Jan Doe, and asks for his advice. The art professional, believing in good faith that his statement is true and that he has a sufficient knowledge of the market to justify it—although, in fact, his statement is false and would be shown to be false by a reasonably diligent investigation—advises the friend not to buy the Jan Doe. The friend heeds the professional's remark and does not buy the painting. The result: the professional would not be liable to the dealer in disparagement because, when communicating a statement to a prospective buyer at the buyer's request, the art professional may avail himself of the conditional privilege of protection of interests of third persons.[3] That the prospective buyer—that is, someone with an interest to protect—has made the request for information indicates that he regards the matter as sufficiently important to justify the publication of any defamatory material that may be involved in response to his request for information. Therefore, the art professional who publishes that information or causes it to be published—in the example, a verbal or written statement about the Jan Doe work to anyone other than the dealer or Jan Doe—is not required to microscopically evaluate the interest the prospective buyer seeks to protect, nor is he required to compare (as he otherwise would be required, had he volunteered his opinion) the harm likely to be done to the dealer if his statement is false with the harm likely to be done to his friend if his statement is true. In this example, of course, the statement is false. Nevertheless, here the professional is protected by the conditional privilege as long as he does not make the statement with either knowledge of its falsity or reckless disregard as to its truth or falsity.[4]

In addition to the conditional privilege described above, the professional in the example may be able to avail himself of the absolute privilege of consent.[5] Indeed, had his friend already purchased the Jan Doe when he came to the professional for an opinion, the friend would be held to have consented to whatever the professional told him about it, disparaging or not, so long as the statement did not exceed the scope of the friend's consent. Of course, if the professional were relaying his opinion solely to his friend as owner of the Jan Doe, there would be no action for disparagement in any event, as publication would not have occurred. However, in relaying the information to his friend, the prospective buyer, the art professional could argue that the dealer, in letting his painting out on approval, assumed the risk of negative opinions.[6]

"...THE PROFESSIONAL IS PROTECTED BY THE CONDITIONAL PRIVILEGE AS LONG AS HE DOES NOT MAKE THE STATEMENT WITH EITHER KNOWLEDGE OF ITS FALSITY OR RECKLESS DISREGARD AS TO ITS TRUTH OR FALSITY."

The numerous theories of proof render product disparagement a difficult theory of liability on which to bring suit, as seen in the recent case of *Kirby v. Wildenstein.*[7] Here, the plaintiff in 1988 sought to sell his painting, *La Rue de la Paix,* by the nineteenth-century French artist Jean Béraud, through Christie's auction house. Prior to the sale, the painting had been examined by the defendant Daniel Wildenstein, who initially determined that it was either a fake or suffered from over cleaning, and therefore would not be in a forthcoming *catalogue raisonné* he was preparing on Béraud. Additionally, an employee of Wildenstein's New York gallery informed Christie's that Wildenstein did not like the painting and did not believe that it was authentic. When the painting was offered for sale at Christie's later that year (after Wildenstein revised his opinion on the Béraud's authenticity and decided in favor of inclusion in the *catalogue raisonné*), it attracted no bidders and the plaintiff-seller sued Wildenstein for disparagement, seeking $200,000 damages. The New York Federal District Court dismissed the lawsuit, noting that the plaintiff failed to demonstrate a triable issue of fact as to special damages: that is, the plaintiff failed to specify the losses underlying the $200,000 figure and could not identify any particular person who would have bid on the painting but for the alleged disparagement. Further, as the court noted, the plaintiff failed to demonstrate a requisite causal connection between Wildenstein's statements and any losses the plaintiff sustained.

DEFAMATION

In defamation, as with disparagement, liability is incurred for injuries sustained through false statements about the plaintiff

3 *Id.* Secs. 646A, 595 cmt. j. However, it is remotely and theoretically conceivable that the art professional under example #3 could incur liability in negligence to his host, the prospective buyer whom he knew in this case would be relying on his opinion, if the professional stated his erroneous opinion based on inadequate knowledge of the market, and the host could establish damages arising from reliance on the erroneous opinion. See discussion of negligence in this article.

4 *Id.* Sec. 595.

5 Id. Sec. 635 cmts. a,b.

6 *See* Stebbins, *Possible Tort Liability for Opinions Given by Art Experts,* in F. Feldman & S. Weil, Art Works: Law Policy, Practice 988 (1974).

7 Kirby v. Wildenstein, 784 F. Supp. 1112 (S.D.N.Y. 1992).

"...WHEREAS A DISPARAGEMENT SUIT CENTERS ON THE ECONOMIC INTERESTS OF THE AGGRIEVED PARTY, A DEFAMATION SUIT IS TO PROTECT THE PERSONAL REPUTATION AND GOOD NAME OF THAT PARTY."

published to third parties. But whereas a disparagement suit centers on the economic interests of the aggrieved party, a defamation suit is to protect the personal reputation and good name of that party. To sue in defamation, the plaintiff—be it an art dealer, artist, or art collector—must establish that the statement in question was:

1. defamatory
2. of purported fact
3. false
4. about the plaintiff
5. published by the defendant to a third party
6. made with the requisite element of fault[8]

A statement is defamatory if it tends to harm the reputation of another, lowering the party in the estimation of the community or deterring third persons from associating or dealing with that party.[9] As to a statement's "purported fact," the U.S. Supreme Court in the 1990 case of *Milkovich v. Lorain Journal Co.*[10] ruled that statements of opinion have no special federal First Amendment protection, and that, rather, only the following statements *cannot* be subject to liability in defamation:

- Those statements containing no provably false factual connotations
- Those statements that cannot be reasonably interpreted as stating actual facts about a person

The Court also noted that "loose, figurative or hyperbolic language...would negate the impression"[11] that a person was making a serious accusation based on fact.

The following two examples illuminate the holding in *Milkovich*:

Example 1. X is a society reporter for a local newspaper. In the course of attending, both as a guest and as a reporter, a local dinner party hosted by a major local figure, she observes Jane Doe, another guest, quietly slip a magnificent bronze statuette into her purse and later leave with it. X is aware that the particular statuette belongs to the host. The next day, without investigating any of the circumstances relating to Doe's acquisition of the statuette, X files a story with the local newspaper describing the dinner party, including an incomplete description of Doe's acquisition. The story, which is published, includes the statement, "In my opinion Jane Doe is a thief." The result? Both X and the newspaper would be subject to liability to Jane Doe for defamation; X's statement, made with deliberate absence of investigation into the circumstances of the acquisition, contained a provably false factual connotation, since Jane Doe could establish that she was not a thief and, in fact, had secured permission to borrow the statuette from the host.

Example 2. The facts are the same except that this time the story filed by X and published in the local paper includes the statement, "In my opinion Jane Doe exhibited elephantine avarice in walking out with the statuette." The result? Most likely, neither X nor the newspaper would be subject to liability to Jane Doe for defamation; X's statement not only contained no provably false factual connotation but also contained hyperbolic language that tends to negate the impression that she was making a serious accusation based on fact.

Thus in the 1991 case of *McNally v. Yarnall*,[12] in which an aggrieved art collector sued an art historian for making defamatory statements, which were capable of being proven false, to an art dealer about the collector's competence, character and performance, the New York Federal District Court refused to dismiss the lawsuit. The case ultimately reached a settlement, the terms of which are confidential.

In the more recent case of *Daniel Goldreyer Ltd. v. Van de Wetering*,[13] a New York State appellate court found that an aggrieved art restorer had a triable case in defamation against a media defendant. Daniel Goldreyer, a noted art restorer, had been paid more than $270,000 by the Stedelijk Museum in Amsterdam to restore a $3.1 million painting by Barnett Newman, "Who's Afraid of Red, Yellow and Blue III," which had been slashed in 1986 by an enraged museum-goer. The resultant restoration proved controversial; an art critic accused Goldreyer of completing his repairs with a paint roller. In reporting on the controversy, the *Wall Street Journal* in its December 24, 1991, issue ran an article entitled, "For That Price, Why Not Have the Whole Museum Repainted?" The article asserted that Goldreyer had performed a restoration on a masterpiece by using a roller brush and house paint and "implied that the results warranted possible criminal charges after an official investigation."[14] The article referred to an official report of a laboratory analysis made of the restoration and the analysis's conclusion that "Mr. Newman's canvas was completely painted over using an inappropriate type of paint."[15] The article, however, did not publish the details of the method and the findings of the analysis. Accordingly, the appellate court affirmed a lower court holding that the statements in the *Wall Street Journal* were "opinion based upon fact, and therefore actionable since there were implications of additional undisclosed facts."[16]

8 For an excellent analysis of defamation as it relates to the artist, *see* Robert C. Lind, *The Visual Artist and the Law of Defamation*, 2 UCLA Ent. L. Rev. 63, Winter 1995.

9 *See* Restatement, *supra* note 4, sec. 559; *see also* Prosser & Keeton, *supra* note 5, sec. 107.

10 Milkovich v. Lorain Journal Co., 497 U.S. 1 (1990).

11 *Id.* At 2.

12 McNally v. Yarnell, 764 F. Supp. 838 (S.D.N.Y. 1991).

13 Daniel Goldreyer Ltd. v. Van de Wetering, 217 A.D. 2d 434, 630 N.Y.S. 2d 18 (1995).

14 *Id.* At 436, 630 N.Y.S.2d at 23.

15 *Wall Street Journal*, Dec. 24, 1991, at B1.

16 *See Goldreyer, supra* note 13, at 436, 630 N.Y.S.2d at 22.

As to fault, the requisite degree required to sustain a defamation suit depends on the status of the plaintiff. If the plaintiff is a public official or a public figure, he or she must prove by clear and convincing evidence that the defamatory statement was published "with knowledge of falsity or reckless disregard of truth or falsity."[17] If, however, the plaintiff is a "limited-purpose" public figure or a private person, the protection of his or her reputation assumes greater priority. In that case, the plaintiff need only prove the standard of fault required by the applicable state law. Generally, that standard is negligence,[18] although some states, such as New York, require a higher standard of gross irresponsibility.[19] Therefore, in the earlier-noted *Goldreyer*, the New York State Supreme Court in 1998[20] once again denied the defendant's motion to dismiss the case, holding that the plaintiff was a limited-purpose public figure, and that whether the reporter exhibited journalistic irresponsibility, in his selective reporting of the facts, was a triable issue of fact for consideration by a jury.

"STATING THE PARAMETERS OF AN EVALUATION WILL ENABLE THE PROFESSIONAL TO BE HELD TO AN APPROPRIATE, RATHER THAN UNREASONABLY HIGH, STANDARD OF CARE."

NEGLIGENCE

Negligence is well-illustrated by the case of the *Estate of Querbach*,[21] in which the A & B Appraisal Service, which came well-recommended and asserted that it had been in business for fifty years, was hired by the executor of the Querbach estate to conduct an estate appraisal for federal estate and New Jersey inheritance tax purposes. Told to affix individual values on the property, which included a variety of antique items, the appraisal service labeled one of the items "Three (3) Small Unframed Oil Paintings, $50 ea. $150." When the executor subsequently sold one of the unframed oil paintings to a friend for the appraised value of $50, and she subsequently had it reappraised for insurance purposes, the second appraiser determined that the "small unframed oil painting" was actually an original work by J. F. Cropsey, a noted nineteenth-century American artist of the Hudson River school, and was worth $14,800. When the executor of the estate sued the A & B Appraisal Service for negligence, alleging that the defendant failed to exercise the requisite degree of care for a professional appraiser, The New Jersey Superior Court found that the painting in question was an authentic J. F. Cropsey based on the following evidence:

1. The painting bore the signature "J. F. Cropsey, 1882."
2. The technique and pigments were typical of the Hudson River school in the late nineteenth century.
3. The painting's stretch frame was typical of the artist.
4. The painting's subject matter was typical of the artist.
5. The back of the painting bore a remnant of a paper label reading "St. Lawrence J. F. Cropsey, 57 West . . .," which was a partial address of a location where the artist was known to have a studio.

Accordingly, the court found that the A & B Appraisal Service failed in its professional responsibilities in that the defendant: failed to recognize J. F. Cropsey as being a noted American painter of the Hudson River school; failed to determine whether the artist's name had any significance in the art world; failed to recognize the painting as being a fine example of the Hudson River school of art; and failed, obviously, to closely examine either the front or the back of the painting.

In holding the A & B Appraisal Service liable for negligence in the amount of $14,700, the court noted that the public is entitled to expect that persons holding themselves out as fine-art appraisers are able to recognize or to use professional methods to identify and evaluate fine art.

Who can sue for negligence? Generally, anyone with an interest to protect who engages an art professional to render an opinion is a potential plaintiff. As a rule and as noted earlier, the art expert tends to suffer greater legal exposure to a negligence suit than does an art commentator, since it is the former's opinion that is generally commissioned by an interested party and who therefore incurs a duty of care to such a party. Nevertheless, the art commentator, although usually lacking a duty of care to a specific party, does not have unbridled license to volunteer erroneous opinions based on inadequate knowledge where the commentator has reason to believe that others may be relying on his or her opinion.

To avoid liability for negligence, the art professional must have knowledge of the subject and must apply that knowledge properly. But the proper standard of care is not an absolute: it depends in part on the extent of the professional's responsibilities in a given situation. Those responsibilities are determined by the express and implied understandings about the scope of the professional's opinion,[22] as well as the professional's qualifications. Once the extent of the responsibilities assumed are determined, the appropriate standard of care can be addressed. For example, an art professional who asserts that he or she has special skills and knowledge about the artist Renoir and who offers an opinion

17 New York Times v. Sullivan, 376 U.S. 254, 279–280 (1964); *see also* Gertz v. Robert Welch, Inc., 418 .S. 323, 342–343 (1974).

18 Robert C. Lind, *The Visual Artist and the Law of Defamation*, 2 UCLA Ent. L. Rev. 63, Winter 1995.

19 *Id.* at note 155.

20 Daniel Goldreyer, Ltd. v. Dow Jones & Co., Inc., 178 Misc.2d 308, 678 NYS2d 453 (1998).

21 Estate of Querbach v. A. & B Appraisal Service, No. L-089362–85 (N.J. Super Ct., Bergen County 1987). The case is reproduced in 1 F. Feldman, S. Weil & S. Biederman, Art Law 282 (1988 Supp.).

22 Karlen, *Fakes, Forgeries and Expert Opinions*, 16 J. Arts Mgmt. & L. 5 at 9 (1986).

about the value or authenticity of one of his outdoor cafe scenes must use care that is reasonable in the light of the professional's special knowledge and may be found negligent, in view of such special knowledge, for rendering an erroneous opinion. On the other hand, an art professional who does not specialize in Renoir per se but who does possess general knowledge of nineteenth century French Impressionist art—Renoir's historical period—might not, under the same circumstances, be found negligent for furnishing an erroneous opinion about the cafe scene if the professional's skill and knowledge were not misrepresented. An art professional who claims to have less skill or knowledge than that normally possessed by other art professionals in the community is bound to exercise only that lesser level of skill or knowledge. An art professional who makes no representations about skills or knowledge is required to exercise the skill and knowledge normally possessed by other art professionals in the community.[23]

NEGLIGENT MISREPRESENTATION

Negligent misrepresentation is the making of a false material representation to another person without a reasonable belief that the representation is true, and the other person reasonably relies on the representation and is induced to act to his or her detriment.[24]

As a theory of liability, negligent misrepresentation is far less accessible to a potential plaintiff than is simple negligence: there must be some relationship of trust giving rise to a duty of care on the part of the defendant to the plaintiff. Therefore, an art commentator who expresses an opinion about an artwork to some segment of the public, where the opinion was not commissioned

"IF THE ART PROFESSIONAL ADHERES TO THESE PRESCRIPTIVES...THEN HE OR SHE SHOULD FEEL FREE TO EXPRESS OPINIONS ABOUT ARTWORKS WITHOUT FEAR OF REPRISAL FROM THE LAW."

by an interested party, cannot, ordinarily, incur liability in negligent misrepresentation. Indeed, the absence of such relationship of trust proves fatal to a plaintiff's standing to sue, as illustrated in *Struna v. Wolf.*[25] In this case, the court noted that negligent misrepresentation normally requires a "special relationship" between the parties in which the defendant owes a duty of care to the plaintiff, entitling the latter to rely on the defendant's representations.

Under New York law a "special relationship" is no less than a fiduciary duty owed the plaintiff by the defendant.[26]

23 *See* Restatement (Second) of Torts sec. 299A.
24 *Id.* at secs. 528, 522; *See also* W. Keeton et al., Prosser & Keeton on Torts, secs., 105, 107, (5th ed. 1984 & Supp. 1988).
25 Struna v. Wolf, 126 Misc.2d 1031, 484 N.Y.S.2d 392 (Sup. Ct., 1985).
26 Stewart v. Jackson & Nash, 976 F.2d 86, 90 (2d Cir. 1992).

LIMITING LEGAL EXPOSURE

An art professional whose opinion is commissioned by an interested party should primarily be concerned with not incurring liability for negligence or negligent misrepresentation. This is because the professional, when asked for an opinion, may, as noted above, be generally protected by a conditional privilege—provided the professional does not exceed the scope of the privilege by, for example, including gratuitous pejorative remarks or dissemination beyond the commissioning party. As to negligence or negligent misrepresentation, the professional can limit legal exposure with a brief contract. The contract should provide that the opinion is for the commissioning party and not for dissemination to unrelated others: this will serve to limit the number of potential plaintiffs who might rely on the opinion. It should also require the commissioning party to provide any factual information available about the art to be examined. In the event the information furnished is incorrect and contributes materially to the professional's erroneous opinion, the latter, if subsequently sued for negligence or negligent misrepresentation, can successfully assert a defense of contributory negligence. The contract should also indicate both the methods of evaluation to be used, e.g., stylistic analysis, and the methods that will *not* be used such as, say, scientific testing, because they are beyond the professional's area of knowledge. Stating the parameters of an evaluation will enable the professional to be held to an appropriate, rather than unreasonably high, standard of care.

An art professional who volunteers an opinion to the public at large, or some segment of it, should be primarily concerned with avoiding liability in disparagement and defamation. Again, this is not to say that such a professional can and should offer uninformed opinions based on inadequate information about a work of art, but it should be noted that such a professional, when not commissioned by an interested party, lacks an affirmative duty to a particular party to render his or her opinion with the requisite degree of care, skill and knowledge. Lacking such a commission, however, this same professional cannot seek shelter under the conditional privilege of protection of interests of third persons. Therefore, the professional whose opinion is not commissioned should use particular care when rendering an opinion about a work of art to ensure the following:

- that the opinion is rendered in good faith
- that it is informed and based on disclosed facts
- that it is truthful
- that it focusses strictly on the artwork and does not remark on any personalities
- that it does not include any *gratuitous* pejorative remarks.

If the art professional adheres to these prescriptives—and common sense dictates that any art professional should do so as a matter of course—then he or she should feel free to express opinions about artworks without fear of reprisal from the law.

Judith Bresler, Esq.
Co-author, ART LAW: The Guide for Collectors, Investors, Dealers, and Artists, *(1st and 2nd eds.)*
Counsel to the law firm, Cowan, DeBaets, Abrahams & Sheppard

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Surfing the Web: An IFAR Perspective, Part II: Museum-Related Sites

EDITOR'S NOTE: *The* IFAR Journal *Winter 1998/99 issue featured an article on internet websites that was intended as Part I of a series. Presenting an overview of the field from an IFAR perspective, it focused on sites relating to art authentication, research, art theft and security, and cultural property and World War II-era restitution issues. Part II, below, highlights museum-related sites. It ends with a brief addendum updating sites from the categories covered in Part I.*

*IFAR established its own website in 1998 (**www.ifar.org**) with abbreviated information and is currently exploring ways to make it a useful research tool for its members and the public.*

The museums of the world have been quick to recognize the potential value of a presence on the World Wide Web. Every year additional hundreds of museums have created sites that present their information, announce their exhibitions, display parts of their collections, and even offer shopping opportunities. Comprehensive lists of museum sites worldwide now run into the thousands.

What can the IFAR reader, for whom images represent more than a passing amusement, do with such a welter of presentations, knowing that they inevitably vary greatly in quality and content? The interests of IFAR members are diverse. Some may want to find a particular object, while others may concentrate on the culture of a place or time. Still others want to familiarize themselves with a museum before a visit. The following is an attempt to sort out *approaches* to the search for useful museum sites and to highlight notable examples. The order will proceed from the most general to the most specific, first through global, national, regional, and cultural "meta-sites"; then to a selection of "tailored" lists; and, finally, to individual sites.

For the reader who expects to conduct research using museum information and images, be advised that coherent collections of materials, large quantities of images, and even indications of whether such exist on a site are rare indeed. There are seldom bibliographic or other references for further study of a subject. This article will point to happy exceptions and analyze what features make museum sites valuable research and learning instruments.

Despite the clarification attempted here, the search will often be frustrating. The free-for-all that is the World Wide Web can be exasperating as well as exhilarating. Sites with no professional credibility may contain fascinating material, while sites expected to be outstanding prove uninformative. Museum sites share the same ephemeral character as other websites. URLs change, pages are withdrawn for revision, outdated information may languish for years without revision. And the ever-idiosyncratic search engines will mysteriously fail to produce the most famous museums and objects, despite your correct and repeated entry of names. But the adventure will also yield many rewards, as information and images arrive at your desktop from around the world.

"DESPITE THE CLARIFICATION ATTEMPTED HERE, THE SEARCH WILL OFTEN BE FRUSTRATING...MUSEUM SITES SHARE THE SAME EPHEMERAL CHARACTER AS OTHER WEBSITES."

[Note: All Web addresses, or URLs, require entry of the prefix http:// before their address. URLs that are continued onto a second line in this article should be assumed to contain no spaces or hyphens between the lines.]

Getting Started

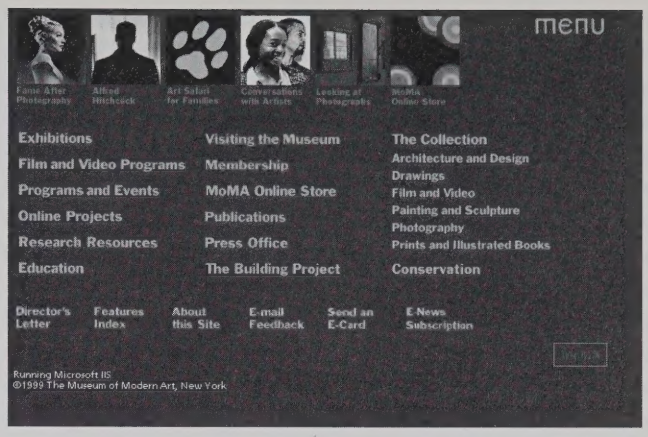
In the complicated world of museum websites, the easiest task is to find information about a particular museum. Just type the museum's name, or some part of the name, into a search engine (e.g., **www.yahoo.com**) and it should appear within the first or second page of hits. Lacking the correct name of the museum, enter the name of the city and the word "museum." The search engine will find sites in that city that contain the word "museum." Most cities have websites telling about their cultural and enter-

tainment activities. Some of the comprehensive lists highlighted below organize museums by state and by alphabetical name.

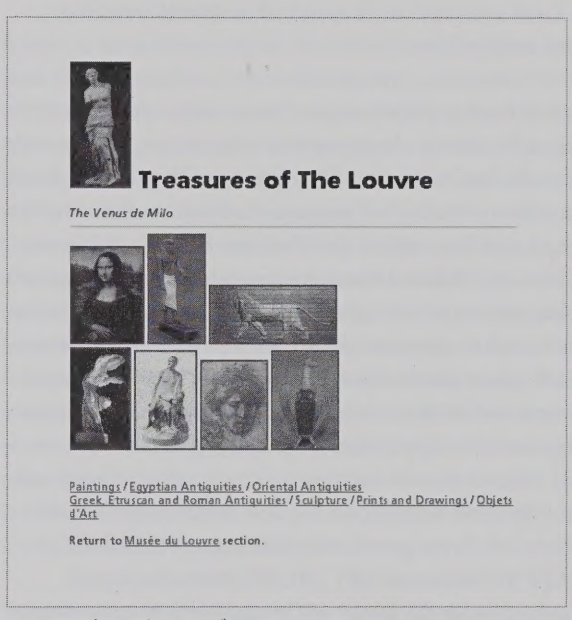
Museum Meta-Sites: Comprehensive Lists

A. GLOBAL SITES

As in the fields of art-historical research and other topics discussed in last winter's issue of the *IFAR Journal*, many individuals and organizations have assembled related websites into "meta-sites," or lists of links (automatic connections) to museum sites that the serious searcher will want to consult. Some organize the information carefully and include evaluations, or at least short descriptions of content, while others fail even to indicate the type of museum. And many of these lists encompass every imaginable type of museum (art, science, natural history, history, ethnology, military, botany, maritime, to name only the most obvious) without always classifying them into separate categories. Let's look at some good ones.



www.moma.org


Treasures of The Louvre
The Venus de Milo
Paintings / Egyptian Antiquities / Oriental Antiquities
Greek, Etruscan and Roman Antiquities / Sculpture / Prints and Drawings / Objets d'Art
Return to Musée du Louvre section.

www.paris.org/musees/louvre

Since the Web is global, we should start with the primary international museum organization, the **International Council of Museums** (ICOM) in Paris. Its collaborative site (**www.icom.org/vlmp/world.html**), which might be found somewhat confusingly in the **Virtual Library** (**vlib.org**) and "mirrored" (reproduced) at various other sites, lists untold numbers of museums of every type. Links to participating countries, named at the top of the site, may lead to separately maintained sites that sometimes comment on each museum. The offer to lead you to "Museums with on-line exhibits" on the "Search" page, seems in fact to be a search for the word "exhibit" in the comments—not a guarantee of fully illustrated exhibits. The promising link to "Recommended museums" on the same page collects all museums starred by the various site-builders, and exceeds the limit of 250 hits. Even with a helpful meta-site, one begins to see that our foray will not be simple.

Many meta-sites that offer resources for art-historical research (listed in the Winter 1998/99 *IFAR Journal*) also offer links to museums. But these links, like the entire World Wide Web, are of uneven usefulness. At one extreme is **Art History Resources on the Web** (**witcombe.sbc.edu/ARTHLinks6.html**), one of the best organized mixtures of comprehensive coverage and discerning limitation. It can be searched by country or period/style and offers some indication of content. At the other extreme, **Worldwide Arts Resources** (**wwar.com/museums.html**) has assembled massive but rather indiscriminate lists of all types of museums (some 1,000 for the U.S. alone), with many entries containing the opening lines of their home page as a supposed guide to content. Entries seemed to be in no particular order, other than by country.

Somewhere between those two extremes, the **Butler Institute of American Art** in Youngstown, Ohio (**www.butlerart.com/links/museum%20links.htm**), alphabetizes a thoughtful selection of almost five hundred worldwide museums, without description.

The **Mother of All Art History Links Pages** (**www.umich.edu/~hartspc/histart/mother/museums.html**) collects more than 250 museums of art (broadly defined) under three headings: U.S. (alphabetically by museum), Europe (by country), and the Eastern Hemisphere (by country). Many items bear helpful comments.

B. NATIONAL, REGIONAL, AND CULTURAL SITES

Artcom (**www.artcom.com/museums/museums.htm**) collects 1,600 U.S. museums alphabetically and adds the crucial and unique indicator whether the site provides images or contains text only. The **Canadian Heritage Information Network** (CHIN) publishes a well-organized directory of Canada's museums (**www.chin.gc.ca/Museums/e_museums.html**). Three entry points lead to different types of searches: A click on "Canadian Museums & Galleries" offers a search by museum name, province, or other location name. At "Their Collections," one can search for a type of museum (e.g., Fine Arts, Human Histo-

ry) or enter any keyword, bringing up further opportunities to narrow the search for subject matter (e.g., European art, religious art). The "Virtual List of Museums in Canada" leads to some 65 museums, by province and with descriptive comments, contributed to the ICOM site. Their **Artefacts Canada** (**www.chin.gc.ca/Artefacts/e_artefacts_canada.html**) constitutes a national inventory comprising 2.5 million objects of all types, including art, with very easy search functions. Images of works from six museums can be found under "Image Contributors" in the Humanities section.

Art Guide (**www.artguide.org/uk/museumR.html**) allows one to search in Britain and Ireland for broad categories of art (e.g., sculpture, prints) and by region as well as by alphabet, but without comments that might help the searcher to choose the most promising items. **Australian Museums Online** (**amol.org.au**) allows its 1,000 museums to be searched in several ways, but doesn't give descriptions.

The **French Ministry of Culture** site (**www.culture.fr/culture/int/index.html**) collects a large number of museums nation-wide and other meta-sites, with short descriptions, *en français* of course. The extraordinary number of museums in Paris can be sorted by type of art or alphabetically at the **Museums of Paris** site (**www.paris.org/Musees**). **Holland Museums** (**www.hollandmuseums.nl**) offers several pathways, in English, to search that country's many museums. One can ask to see further information for each museum. LISTEN (**pluto.wit.no/Pluto/Galleri-Museum/index.html**) lists museums and exhibitions in Scandinavia, all in Norwegian. The prodigious site of the **Hellenic Ministry of Culture** (**www.culture.gr**) offers links to museums in Greece alphabetically and by type of collection, without description. In a shorter list, the Ariadne Network (**www.greekcivil.ariadne-t.gr/HELLENIC_CIVILIZATION/Museums/ART_MUSEUMS/index.html**) includes museums on the island of Cyprus. Links to a number of countries' ministries of culture, which are likely to contain museum information, can be found at **www.culture.gr/6/65/652/index.html**, supplemented by the European (**europa.eu.int/comm/dg10/culture/adresses.html**). The **University of California (Berkeley) Museum of Paleontology**, which hosts an interesting website in its own right (**www.ucmp.berkeley.edu/subway/subway.html**), also has a page of "Art Museums and Exhibits" (**www.ucmp.berkeley.edu/subway/genart.html**). It leads one to sections on Asian, Australian, Pacific, African, and Middle Eastern collections, which, regrettably, have not been updated since 1997. **Israel Art Search** hosts a list of Israeli museums (**www.artsearch.net/israelimuseums.asp**).

The Art Index's **Guide to Asian Art on the Internet** (**www.artindex.com/gen.htm**) contains links to museums of Chinese, Japanese, and Korean art, as well as a list of largely North American institutions with Asian collections. **Chinese Art Resources on the Net** (**www.chineseartnet.com/museum.htm**) leads to collections of Chinese art worldwide. The **Ho-Am Art Museum**, in Yongin-si and Seoul, Korea (**www.hoammuseum.org/english/index.html**), provides links to both Korean and Japanese collections, as well as a large number of images, with catalogue entries, from its own exhibitions and collection. The **Museum for African Art** in New York (**www.africanart.org**), as part of its beautifully designed site, links to African sections of major U.S. museums. The **National Museum of the American Indian** (**www.si.edu/cgi-bin/nav.cgi**) offers links to "Other Native American Sites" (**www.si.edu/organiza/museums/amerind/natsite.htm**). The **William L. Bryant Foundation Collection** of West Indies art, artifacts, and rare books at the University of Central Florida has a site displaying Caribbean art (**www.oir.ucf.edu/bryant/about.html**).

"Tailored" Meta-Sites

In contrast to the comprehensive sites just described, many smaller meta-sites pull together more specialized or tailored groups of museum sites, reflecting their creators' personal or professional interests. The personal points of view reflected in these tailored meta-sites can reward the searcher with happy surprises. As our coverage will proceed from a professional to a more commercial and individualistic perspective, keep in mind that the World Wide Web mixes contrasting levels of expertise in unexpected and often imaginative ways.

The library-based **Artsource** (**www.uky.edu/Artsource/museum.html**) presents some 25 high-quality U.S. sites accompanied by excellent commentaries. The **Parthenet** (**home.mtholyoke.edu/~klconner/parthenet.html#museums**) collects twenty-two links to an assortment of famous international museums. Archives and Museum Informatics, sponsors of the conference **Museums and the Web**, conducts an annual contest for "Best of the Web" in various categories, with interesting results and intelligent comments (**www.archimuse.com/mw99/best/index.html**). **Musée**, an organization that fosters the work of cultural institutions internationally, lists the museums best liked by its website visitors at **www.musee-online.org/ratesort.cgi?1#ART**. The San Francisco **Exploratorium** has published its list of eight "cool" art museum sites at **www.exploratorium.com/learning_studio/cool/art_museums.html**. Additional tailored lists with a more commercial bent include:

Artonthenet (**www.artonthenet.net/museums.htm**)
Art.net (**www.art.net/links/artref/museums.html**)
TopTenLinks (**www.top10links.net/art/museums.vote**)
Cyberia (**www.cyberia.com/toptens/art.htm**)
@Hotel (**www.4thnet.com/demo/travelerconnect/coolsites.htm**).

"AMONG ALL THESE LISTS AND LISTS OF LISTS, WHAT ARE THE STANDOUTS AMONG WORLD WEBSITES?"

Individual Museum Sites

Among all these lists, and lists of lists, what are the standouts among world museum websites? The answer depends on the criteria we bring to the inquiry. The priority of IFAR's readership is, presumably, content, content, content. And, as an important second, pictures, pictures, pictures. Quality and quantity of information about the works should figure prominently in the judgment. Ease of navigation and clarity of presentation are also important features. Attractive design, while desirable, will not by itself cause a site to be featured here. Tip: Always look for a "site map" that will lay out the complete content of the site and also diagram its structure.

Certain expected favorites win hands-down. The website of the **National Gallery of Art** in Washington (**www.nga.gov**) displays images of more than 4,000 works, many with multiple details, and delivers, at the least, basic authoritative information on all of its more than 100,000 objects. One can search by artist's name, title key words, school, style, creation date, medium, and choose from a short list of popular subjects. One can ask for only those works that are accompanied by images (e.g., of instead of browsing 4,000 text records of works classified under "landscape," asking to see only those with images will produce 425 records). In addition, the alphabetical list of artists can be browsed. This is as close as we come to a research site. The large number of prepackaged tours of the collection, of the works of individual artists, and of exhibitions make this a pre-eminent learning site for the general public as well.

Another outstanding research site, the **National Museum of American Art** (**www.nmaa.si.edu**) offers some 3,000 images from its collections. One can browse all of them alphabetically by artist; one can search for an artist's name; or one can ask for works classified under eight types of art and nine types of subject matter. The "search" button at the top of the screen allows more detailed searching, while the Art Inventories (Inventory of American Paintings Executed Before 1914 and the Inventory of American Sculpture) take the most serious searcher to information on over 300,000 artworks in public and private collections worldwide. Both their image collection and their Helios site of "photography online" make this an excellent site for viewing the history of American photography. The **National Portrait Gallery** (**www.npg.si.edu**), while less heavily illustrated, offers large quantities of research information for searching.

Both of these national museums form part of the **Smithsonian Institution** (**www.si.edu**), a behemoth comprised of some fifteen museums and eleven research centers. Here one will find the Freer and the Sackler Galleries of Asian Art, National Museum of African Art, National Museum of the American Indian, the Hirschhorn Museum and Sculpture Garden, the Anacostia Museum and Center for African American History and Culture, the Renwick Gallery of decorative arts and crafts, and the many other institutions that illustrate so many aspects of American culture and human knowledge. The Smithsonian's not-so-user-friendly **SIRIS Research Information System** (**www.siris.si.edu**) gives access to the approximately 1.2 million volumes and 145,000 archival records in its various collections. These resources are separate from those of the even larger, and very accessible, **Library of Congress** (**www.loc.gov**), which has its own prodigious online exhibitions of images and information. I leave it to the reader to explore these extraordinarily rich sites for their many treasures.

For another exceptional collection of myriad types and quantities of materials and images, the **Vatican Museums** (**www.christusrex.org/www1/vaticano/0-Musei.html**) are a must-see site. While one might wish for more informational text, the sense of richness projected by this site and its links—from the Sistine Chapel, to the frescoes of Giotto, to the Raphael Stanze and Loggia—represents a feast.

A pair of institutions, under the umbrella of the **Fine Arts Museums of San Francisco** (**www.thinker.org**), pioneered the free offering of large numbers of images to the public. Their site presents some 80,000 images, with very basic information, of more than half of the prints and drawings, Ancient and European arts, and arts of the Americas belonging to the California Palace of the Legion of Honor and the De Young Museum. The information is very spare, but one can search for artist, country, period, or keyword. At the **Tate Gallery**'s handsome site (**www.tate.org.uk/home/index.htm**), one finds detailed records of the entire collection, easily browsed, with 8,000 images clearly marked. Of its more than 5,000 works, the **Kyoto National Museum** (**www.kyohaku.go.jp**) displays 10,000 images of some 2,000 objects, with basic object information. One can search by keyword or category, but the site also offers selections of "masterworks" classified by type of object.

The **Minneapolis Institute of Art** (**www.artsmia.org**) has digitized more than 1,000 images, presented by collection and with brief but detailed information. The high resolution of the images allows "zooming in" on very clear details. The Institute's Minneapolis neighbor, the **Walker Art Center** (**www.walkerart.org**), presents its 20th-century collection with fewer images and more text in a complex and interesting site. The **National Gallery** in London (**www.nationalgallery.org.uk**) displays, by my count, 100 images, organized according to the chronological layout of the museum. All images are accompanied by impeccable texts in an extremely clear and easily navigable fashion. An emphasis on art-historical riddles and multiple links to other museum sites make it a model of intelligence and collaborative spirit.

The **ArtMuseum.net** (**www.artmuseum.net**), a site created by Intel Corporation in collaboration with a number of museums, offers an interactive experience of special exhibitions. For the exhibition "Van Gogh's Van Goghs", all 72 works and many supplementary works are accessible, together with explanations, linked archival materials, a navigable recreation of the exhibit, and a search engine for the site. That project involved the National Gallery of Art in Washington, the Van Gogh Museum in

Amsterdam, and the Van Gogh Foundation. With the Whitney Museum of American Art, the site has created "The American Century, Part 1: Art & Culture 1900–1950." Guided tours, images of 100 works, threaded discussions, educational materials, and a timeline of historical and artistic events, works, and people make this a lively interactive experience. As a research tool, it will be most useful for students and the interested public.

The **Los Angeles County Museum of Art** (**www.lacma.org**) presents some ninety artworks from across its collections, covering many cultures and media, and it accompanies them with long and informative texts. The **Art Institute of Chicago** (**www.artic.edu**) illustrates its collections with well over 100 images, accompanied by detailed information and text. Its "search" screen allows keyword searching of the entire site. In its very clearly organized site, the **Frick Collection** (**www.frick.org**) cleverly lists the records of all its works and places a thumbnail image next to more than eighty to indicate which are illustrated. The thumbnails connect to larger images and explanatory text, while another file presents a short biography of each artist represented in the collection. The **Uffizi Gallery** (**musa.uffizi.firenze.it/welcomeE.html**) lists all of its works by artist, as well as by room, and illustrates about 75. The **Canadian Museum of Civilization** (**www.civilization.ca**) offers a rich trove of images and information on native Canadian as well as worldwide cultures. The **Jewish Museum** in New York (**www.jewishmuseum.org**) displays excellent art-historical tours of its collections and well-illustrated pages on its exhibitions.

For photography, the **George Eastman House International Museum of Photography and Film** (**www.eastman.org**) shows only a few images of its collections but links to many sites of related interest. The entry screen to its database seems a throwback to pre-Web searching. The **California Museum of Photography** (**www.cmp.ucr.edu/default.html**) features a large collection of stereographs, the work of individual photographers, exhibitions, and "webworks," all illustrated by about 2,000 images. The **Center for Creative Photography** at the University of Arizona (**dizzy.library.arizona.edu/branches/ccp/ccp.html**) has a large database of its collections indexed by photographer and by photograph. See also the **National Museum of American Art** above for rich material on the history of American photography.

Some other sites that have drawn enthusiastic compliments elsewhere seem less informative than one might wish. The **Louvre**'s

"...THE OVERALL UNPREDICTABILITY AND OPACITY OF MUSEUM WEBSITES DOES A DISSERVICE NOT ONLY TO THE RESEARCHER BUT, IN THE LONG RUN, TO THE INSTITUTIONS."

"AT THE TATE GALLERY'S HANDSOME SITE..., ONE FINDS DETAILED RECORDS OF THE ENTIRE COLLECTION EASILY BROWSED."

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The Oppé Collection
New Acquisitions
Currently, around 8000 works are illustrated - this number will continue to increase as we scan more images. We hope to make the works on paper from the Turner Bequest available for browsing in the near future. Please note that these works are not yet accessible while browsing the General Collection. Some images cannot be shown for copyright reasons, but we are working actively to develop new agreements with copyright holders. The collection of historic British art ranges from the sixteenth century to the present day. Highlights include major works by Hogarth, Gainsborough, Reynolds, Stubbs, Wright of Derby, Blake, Palmer, Constable, the Pre-Raphaelites, Whistler, and Sargent. Home to the Turner Bequest, the Gallery holds the largest collection of paintings, drawings and watercolours by JMW Turner.
www.tate.org.uk/home/index.htm

presentation (**www.paris.org/Musees/Louvre**) contains only 21 images of works of art and almost no information about them, concentrating rather on locating the departments on the ground plan. The **Metropolitan Museum of Art** in New York (**www.metmuseum.org**) fares better but unevenly: only 30 images of works (one for drawings, prints, and photographs but eight for American art), with basic information and short text, cover its vast permanent collections. It offers almost no images for current exhibitions, but forty for a recent Louis Comfort Tiffany exhibit, among other illustrated past exhibits. Temporary exhibitions carry multiple pages of information, while very short texts accompany the 30 works from the permanent collection. The **Museum of Modern Art** in New York (**www.moma.org**) draws kudos for design and sensibility, but covers its collection with little information and few images. Its section on "Research Resources," however, links to many useful sites and allows a helpful search of its library catalogue.

Conclusion

Amid so much abundance, assembled at great expense and never before so easily accessible, is a website user allowed to complain? From the researcher's perspective, the duplication of effort and lack of coordination among these museum websites is more than frustrating; it portends a poor future for quality research information on World Wide Web art sites. The idiosyncratic approaches to what information should be displayed, what types of searches can be performed, whether to reveal indexes to artists and works so as to aid researchers in shaping their queries, and the lack of information about what images can be accessed—in

short, the overall unpredictability and opacity of museum websites—does a disservice not only to the researcher but, in the long run, to the institutions. Quite simply, unless this world of information reaches a higher level of value to the World Wide Web researcher, it will become marginalized in the advanced research realm of the 21st century. One must hope for the day when it will be possible to search across collections, to know that a certain standard of information will be found at any reputable site, and that it will include much more than "tombstone" data and a short, unsigned narrative.

There is a movement in this direction. The Canadian Heritage Information Network's **Artefacts Canada** (**www.chin.gc.ca/Artefacts/e_artefacts_canada.html**) has assembled a national inventory of objects in Canadian museums, with art placed under "Humanities," that offers very easy search functions. The six museums that have contributed images herald the promising beginnings of image delivery.

The **Art Museum Image Consortium** (AMICO) has mounted an ambitious effort to collect digitized images and information from as many member institutions as its resources can accommodate, and thereby to begin a pan-institutional collection available to researchers. Their website (**www.amico.org**) depicts an elaborate vision of this complex and much-needed project. Let us wish AMICO very good luck in its quest to provide a viable and effective research tool.

Addendum and Update to "Surfing the Web," Part I

Below are additional sites that have come to our attention in the categories covered in Part I of this series:

AUTHENTICATION

"**Researching Your Art Object**" is the subject of a collection of bibliographies on, among other topics, art research methodology, artists' biographies, national and local resources, documentation of art, and reference works (**www.stolaf.edu/people/michelli/index1.html**).

ART-HISTORICAL RESEARCH

While not a website, a new book by Lois Swan Jones offers valuable and very thorough information on searching the Internet for art information: **Art Information and the Internet: How to Find It, How to Use It** (Phoenix, Ariz., Oryx Press, 1999). It covers CD-ROMs and other optical media, databases on floppy discs, network resources (including a chapter on research resources on the World Wide Web), and database services.

The Metropolitan Museum's website includes a section on the **Lita Annenberg Hazen and Joseph H. Hazen Center for Electronic Information Resources** (**www.metmuseum.org/htmlfile/watson/desc.html**), containing a long list of on-line databases and CD-ROMs available in the Metropolitan's Watson Library.

A University of Western Ontario thesis by Leslie Anne Belle, **Gaining Access to Visual Information** (1993), can be found in its entirety at **www.uky.edu/Artsource/bibliographies/bellbib.txt.**

P. E. Michelli of St. Olaf College offers his own meta-site of websites of interest to art historians, under "**The Art History Browser**" (**www.stolaf.edu/people/michelli/index1.html**), as does the **Voice of the Shuttle**'s art and art history page (**humanitas.ucsb.edu/shuttle/art.html**).

ART THEFT AND WORLD WAR II-ERA CLAIMS

The **Project for the Documentation of Wartime Cultural Losses** (The Documentation Project) gathers and disseminates information relating to works of art, archives, and other types of cultural property displaced as a consequence of war. Its website (**docproj.loyola.edu**) includes eleven photographs and three original documents related to the French-owned works of art seized by the Nazis and displayed in the Jeu de Paume; the *Art Looting Investigation Unit Final Report* produced in 1945 by art experts within the U.S. Office of Strategic Services (OSS), who researched the Nazis' plundering of cultural property in Europe; and detailed coverage of the Russian Law on "Trophy Art" that includes the text of the 1998 law (recently overturned, in part) in Russian and English, as well as a summary of its major provisions and procedures for filing claims before the October 21, 1999 deadline. **The Coordination Office (Koordinierungsstelle) of the Federal States [in Germany] for the Return of Cultural Property** has a website listing some of the thousands of objects looted and still missing from German collections since World War II (**www.beutekunst.de**).

The **Italian art police**, called the Commando carabinieri tutela patrimonio artistico, presents a searchable illustrated list of several hundred stolen works on its site, in Italian (**www.carabinieri.it/tpa/tpa.asp**). The **Los Angeles Police Department Art Theft Detail** (**www.lapdonline.org/get_involved/stolen_art/art_theft_detail_main.htm**) displays some 150 stolen works, organized by type of object. The **FBI** has recently changed its website address that was cited in our previous article. The new address is (**www.fbi.gov/majcases/arttheft/art.htm**).

Marilyn Schmitt
Independant Consultant for art-related projects
(formerly Program Manager, Getty Information Institute)

IFAR'S (www.ifar.org) Suggested List of Websites, Part II

GETTING STARTED

www.yahoo.com

MUSEUM META-SITES: COMPREHENSIVE LISTS

Ariadne Network: www.greekcivil.ariadne-t.gr/HELLENIC_CIVILIZATION/Museums/ART_MUSEUMS/index.html
Artcom: www.artcom.com/museums/museums.htm
Art Guide: www.artguide.org/uk/museumR.html
Art History Resources on the Web: witcombe.sbc.edu/ARTHLinks6.html
Australian Museums Online: amol.org.au
Butler Institute of American Art: www.butlerart.com/links/museum%20links.htm
Canadian Heritage Information Network (CHIN): www.chin.gc.ca/Museums/e_museums.html
Artefacts Canada: www.chin.gc.ca/Artefacts/e_artefacts_canada.html
Chinese Art Resources on the Net: www.chineseartnet.com/museum.htm
French Ministry of Culture: www.culture.fr/culture/int/index.html
Guide to Asian Art on the Internet: www.artindex.com/gen.htm
Hellenic Ministry of Culture: www.culture.gr
International Council of Museums (ICOM): www.icom.org/vlmp/world.html
Ho-Am Art Museum: www.hoammuseum.org/english/index.html
Holland Museums: www.hollandmuseums.nl
Israel Art Search: www.artsearch.net/israelimuseums.asp
LISTEN: pluto.wit.no/Pluto/Galleri-Museum/index.html
Ministries of Culture: www.culture.gr/6/65/652/index.html, europa.eu.int/comm/dg10/culture/adresses.html
Mother of All Art History Links Pages: www.umich.edu/~hartspc/histart/mother/museums.html
Museum for African Art: www.africanart.org
Museums of Paris: www.paris.org/Musees
National Museum of the American Indian: www.si.edu/cgi-bin/nav.cgi
    Other Native American Sites: www.si.edu/organiza/museums/amerind/natsite.htm
Univ. of California (Berkeley) Museum of Paleontology: www.ucmp.berkeley.edu/subway/subway.html
    Art Museums and Exhibits: www.ucmp.berkeley.edu/subway/genart.html
Virtual Library: vlib.org
William L. Bryant Foundation Collection: www.oir.ucf.edu/bryant/about.html
Worldwide Arts Resources: wwar.com/museums.html

"TAILORED" META-SITES

Art.net: www.art.net/links/artref/museums.html
Artonthenet: www.artonthenet.net/museums.htm
Artsource: www.uky.edu/Artsource/museum.html
Cyberia: www.cyberia.com/toptens/art.htm
Exploratorium: www.exploratorium.com/learning_studio/cool/art_museums.html
@Hotel: www.4thnet.com/demo/travelerconnect/coolsites.htm
Musée: www.musee-online.org/ratesort.cgi?1#ART
Museums and the Web: www.archimuse.com/mw99/best/index.html
Parthenet: home.mtholyoke.edu/~klconner/parthenet.html#museums
TopTenLinks: www.top10links.net/art/museums.vote

INDIVIDUAL MUSEUM SITES

Art Institute of Chicago: www.artic.edu
ArtMuseum.net: www.artmuseum.net
California Museum of Photography: www.cmp.ucr.edu/default.html
Canadian Museum of Civilization: www.civilization.ca
Center for Creative Photography: dizzy.library.arizona.edu/branches/ccp/ccp.html
Fine Arts Museums of San Francisco: www.thinker.org
Frick Collection: www.frick.org

George Eastman House International Museum of Photography and Film: www.eastman.org
Jewish Museum, New York: www.jewishmuseum.org
Kyoto National Museum: www.kyohaku.go.jp
Library of Congress: www.loc.gov
Los Angeles County Museum of Art: www.lacma.org
Louvre Museum: www.paris.org/Musees/Louvre
Metropolitan Museum of Art: www.metmuseum.org
Minneapolis Institute of Art: www.artsmia.org
Museum of Modern Art, New York: www.moma.org
National Gallery, London: www.nationalgallery.org.uk
National Gallery of Art, Washington: www.nga.gov
National Museum of American Art: www.nmaa.si.edu
National Portrait Gallery: www.npg.si.edu
Smithsonian Institution: www.si.edu
SIRIS Research Information System: www.siris.si.edu
Tate Gallery: www.tate.org.uk/home/index.htm
Uffizi Gallery: musa.uffizi.firenze.it/welcomeE.html
Vatican Museums: www.christusrex.org/www1/vaticano/0-Musei.html
Walker Art Center: www.walkerart.org

COMPOSITE SITES

Art Museum Image Consortium (AMICO): www.amico.org

ADDENDUM AND UPDATE TO "SURFING THE WEB," PART I

AUTHENTICATION

"Researching Your Art Object" www.stolaf.edu/people/michelli/index1.html

ART-HISTORICAL RESEARCH

The Art History Browser: www.stolaf.edu/people/michelli/index1.html
Leslie Anne Belle, Gaining Access to Visual Information: www.uky.edu/Artsource/bibliographies/bellbib.txt.
Lita Annenberg Hazen and Joseph H. Hazen Center for Electronic Information Resources:
www.metmuseum.org/htmlfile/watson/desc.html
Voice of the Shuttle: humanitas.ucsb.edu/shuttle/art.html

ART THEFT AND WORLD WAR II-ERA CLAIMS

FBI: www.fbi.gov/majcases/arttheft/art.htm
Italian art police (Commando carabinieri tutela patrimonio artistico)**:** www.carabinieri.it/tpa/tpa.asp
Los Angeles Police Department Art Theft Detail: www.lapdonline.org/get_involved/stolen_art/art_theft_detail_main.htm
Project for the Documentation of Wartime Cultural Losses: docproj.loyola.edu

More Published and Documented Bas-reliefs from Nimrud Offered on the Antiquities Market

In *IFARreports,* June 1997, we reported the appearance on the antiquities market of two large fragments of Neo-Assyrian stone bas-relief that had been excavated by the Polish Center of Archaeology at the ancient site of Nimrud, located today in the northeast sector of modern Iraq.[1] The two bas-relief fragments had been stolen from the storerooms of the site museum on the citadel mound of the ancient city at sometime coincidental with the Gulf War and its immediate aftermath. Now, two more from the same cache have been offered for sale. Both of these newly-offered bas-reliefs were unearthed during the Polish Center's third season at Nimrud in 1976 and had been published in preliminary reports.[2] The stones are part of the dismantled palace of the Assyrian King Tiglath-pileser III (744–727 B.C.) and were discovered in a 300m sq. excavation trench to the south of the great Northwest Palace and "Central Building" of Ashurnasirpal II, a 9th century Assyrian king who re-established Nimrud as an Assyrian capital.

Nearly 120 bas-relief fragments were found by the Polish archaeologists in three seasons of excavation between 1974 and 1976. The theft, although reported to the close-knit circles that specialize in Mesopotamian archaeology, was generally disregarded or went unnoticed in the West until the actual pieces started to appear for sale on the market. So far four Nimrud pieces have appeared, but we expect that more will, and perhaps even from other monuments on the site. Since fragments from the site museum of Nineveh have been appearing a few at a time as well, it is expected that Nimrud's monuments will suffer the same fate.[3] The robberies at Nimrud are part of a much larger problem in Iraq, extending to dozens of site and local museums.[4]

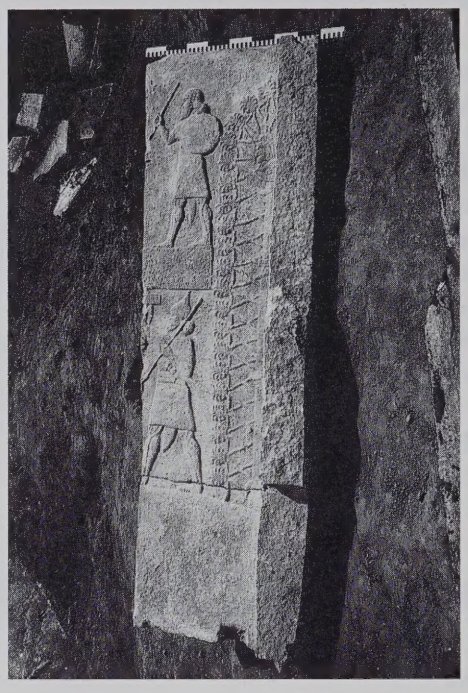


Figure 1. Relief N–A/12/76. Two-registered bas-relief with sacred tree and inscription: left side. All photos by A. Bodytko. Reproduced courtesy of the Polish Center of Archaeology, Warsaw.

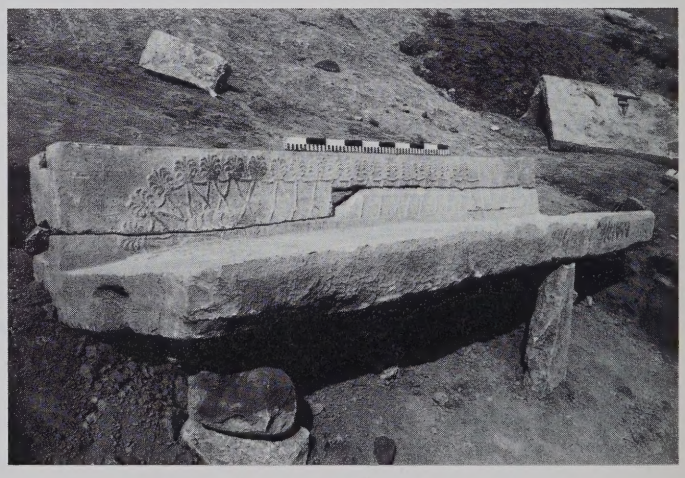


Figure 2. Relief N–A/12/76. Sacred tree of right side of relief set in place by excavators.

1 Samuel M. Paley *et al.*, "Nimrud and Nineveh Again: Documented Bas-Reliefs from Iraq Offered in the West," *IFARreports,* Vol. 18, no. 6, June 1997, pp. 4–6.

2 For most of the references to their publication, see Richard P. Sobolewski, "The Polish Work at Nimrud: Ten Years of Excavation and Study," *Zeitschrift fhr Assyriologie* 71, 1981, pp. 261ff.

3 See John M. Russell, *The Final Sack of Nineveh: The Discovery, Documentation, and Destruction of King Sennacherib's Throne Room at Nineveh, Iraq,* New Haven, 1998, for the most recent full account of the Nineveh robberies.

4 For a recent summary of the problem, see McGuire Gibson, "The Illegal Antiquities Trade: Contagion and Containment," Art Antiquity and the Law. Preserving our Global Cultural Heritage. An International Conference. October 30–November 1, 1998. Rutgers University, NJ.

"THE THEFT AND DESTRUCTION ARE FURTHER EVIDENCE OF THE LEVEL OF EDUCATION AND THE IGNORANCE OF THE ROBBERS AND THEIR ASSOCIATES—THEY HAVE, AFTER ALL, STOLEN PUBLISHED PIECES..."

When the excavators (and here we refer not only to the Polish team but also to the site's discoverer, Austen Henry Layard, others of his generation, and further undocumented finds made in the 19th century A.D.) uncovered the Nimrud bas-reliefs of Tiglath-pileser III, the find spot was interpreted as a dump of discarded stone bas-relief that had been left either in preparation for removal for use in the construction of other buildings at Nimrud in a later period,[5] or as part of a fill for a later building. The director of the excavation, Dr. Janusz Meuszyński, died at the conclusion of the 1976 season, and only recently has it become possible to begin to think of furthering the research. However, the final report of the Polish Center's excavation still awaits the necessary funding for the research and publication. At this writing, a proposal to World Monument Watch is pending.

The two fragments discussed here are N–A/12/76 and N–A/43/76, according to the registration designations of the Polish excavation's field record.

N-A/12/76 (Figs. 1–2) was a two-registered bas-relief on which were carved the images of soldiers and a "sacred tree."[6] The slab was originally a single block from the corner of a room. The tall, narrow sacred tree (we use its popular name here) was divided equally between the two faces of the stone. Its small encircling palmettos were attached by undulating, crisscrossing bands to the central "trunk" which in turn was surmounted by a large palmetto. The sacred tree resembled those carved on the bas-relief slabs of the Northwest Palace of Ashurnasirpal II, though its association with two-registered, narrative relief on the same stone block is not documented there. To the right of the tree, on the upper register (Fig. 3), was depicted a bareheaded Assyrian soldier, dressed in a short, belted tunic, most probably part of a procession of soldiers at war. He carries a round shield in his left hand and raises his spear in his right hand in a threatening gesture. On the lower register (Fig. 4) was another Assyrian soldier, also dressed in a short, belted tunic, this one wearing a pointed helmet and carrying a spear in his left hand. His right hand extended forward, but was broken off at the elbow. There seem to be remains of a round shield and a standing, full-length body shield to his left (=in front of him), but it is not clear how these

Figure 3. Detail. Upper part of Relief N–A/12/76, left side.

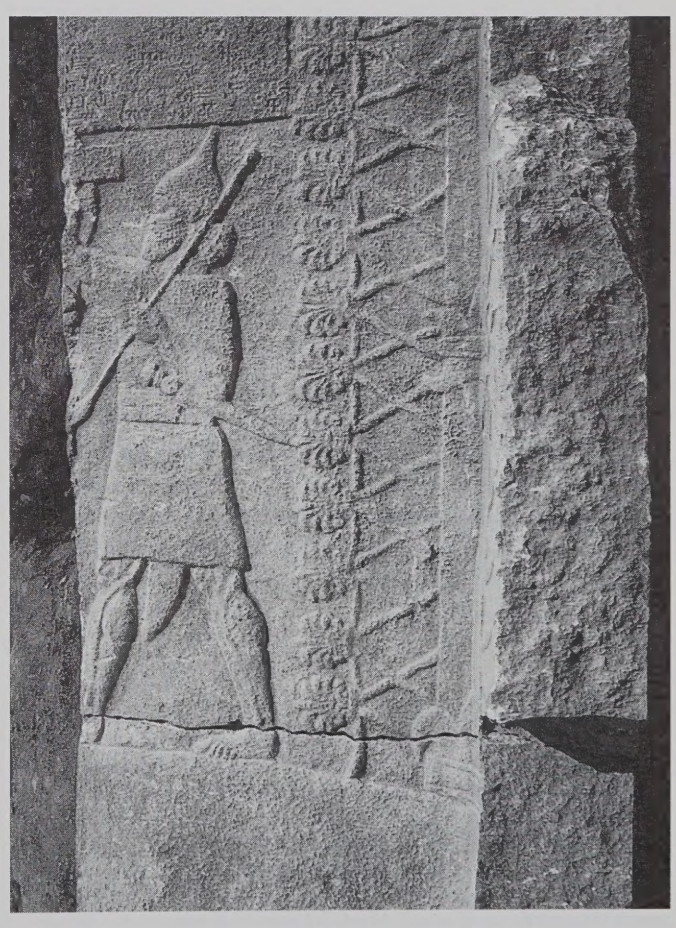


Figure 4. Detail. Lower part of Relief, N–A/12/76, left side.

5 Sobolewski, 1981, loc. cit.

6 See Richard P. Sobolewski, "Third Preliminary Report on the Polish Excavations at Kalhu," *Itudes et Travaux* XI, 19709, p. 257, Fig. 11 and Erika Bleibtreu, "Die Flora der Neuassyrischen Reliefs," *WKZMS* 1. Vienna, 1980.

two broken details were related to the soldier himself. He was probably part of a closely-knit body of fighting men besieging a walled city. The figure on the upper register was separated from the figure on the lower register by a band of badly eroded inscription, in seven lines.[7] The plinth survived the trimming of the block on its left and right edges as well as the horizontal and vertical cuttings, which had been made to reduce the size of this large block to smaller, more movable pieces in antiquity. The four surviving fragments were discovered by the Polish archaeologists near to each other and were re-assembled for the photographs. The notching at the base of the plinth, into which a length of wood was once inserted in order to move the original, heavy block and lever it into an upright position, survived the reduction of the size of the stone slab.

Further details of the size of the slab are as follows: Ht. 2.56m, left face 0.57m, right face 0.30m; Ht. of plinth 0.63m; Ht. of lower register 0.89m; Ht. of inscription 0.19m; Ht. of upper register 0.89m; thickness of stone 0.16m.[8]

This bas-relief has now been broken up for sale. The figure on the upper register, and the inscription, have been separated from the lower register. Most of the "tree" has been removed and perhaps discarded, leaving only the line of palmettos from the soldier's shoulder down to the bottom of the inscription. The upper register was also cut in two: an irregular saw cut passes horizontally through the skirt of the tunic and between the third and fourth palmetto. Precise descriptions of the state of preservation of the lower register and the remains of the tree are not available. The separation of both the figure on the upper register and the inscription below it from the rest of the surviving relief, seems also to have been done with a saw.

The description of the bas-relief as discovered by the Polish excavation team illustrates the importance of an analysis of even the smallest detail. As we emphasized in 1997, we know so little of the decorative elements and architecture of Tiglath-pileser's palace that the destruction of any evidence is a great loss to science and impairs the study of the king and his history. The theft and destruction are further evidence of the level of education and the ignorance of the robbers and their associates—they have, after all, stolen *published* pieces—and their clear disinterest in the cultural heritage of Iraq.

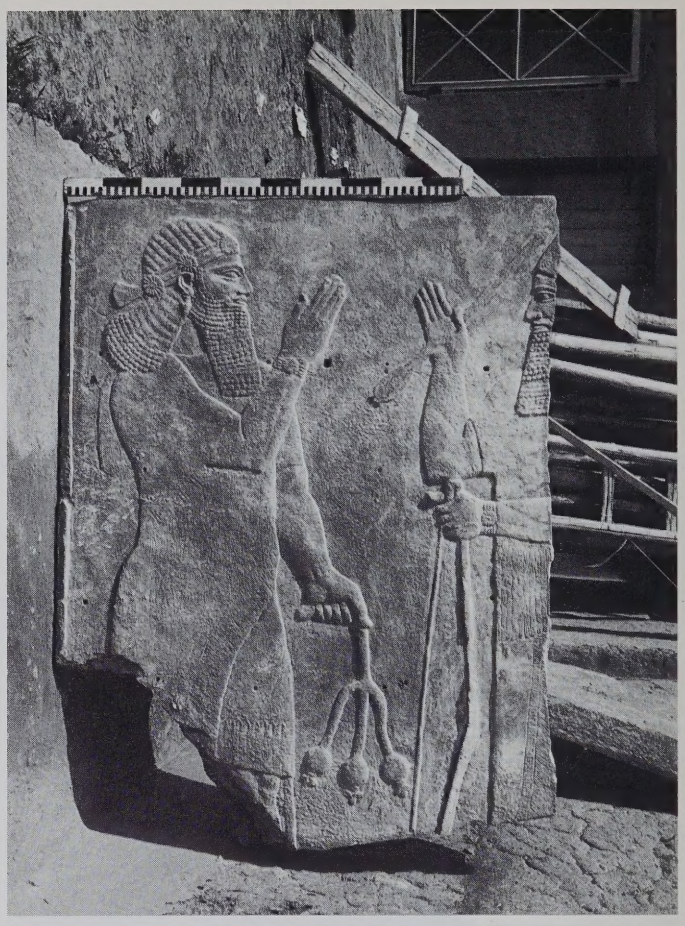


Figure 5. Relief N–A/43/76. King and wingless genius.

The second bas-relief, N–A/43/76 (Figs. 5–6), depicted a genius facing right toward the king facing left.[9] Though the top and left margins of the stone are original (the left edge has a raised margin that was hidden by the end of another relief that stood to its left in some unknown configuration), the right side was sawed off and the bottom broken diagonally mid-left to center and sawed center to mid-right in antiquity.

This was a unique representation of a king and divine figure in the relief-representations of Tiglath-pileser III and was probably part of a larger composition in which the king was flanked on his right by another genius, facing the king's back. Perhaps the second genius figure is to be found on bas-relief N–A/9/76.[10] This type of balanced composition was also popular in Ashur-nasir-pal's Northwest Palace. The details here are interesting in that the genius(es) facing the king raise(s) the right hand in greeting while the lowered left hand hold(s) a three-bud pomegranate branch. The hair of this genius-figure type is gathered together with a filet decorated with rosette bracteates. This figure also wears a short tunic and an over-shawl wrapped around the body,

7 See the layout of such two-registered war scenes in Richard D. Barnett and Margeret Falkner, *The Sculptures of Aššur-nāṣir-apli II (883–859 B.C.). Tiglath-pileser III (745–727 B.C.) and Esarhaddon (681–669 B.C.) from the Cenral and South-West Palaces at Nimrud*, London, 1962. pls. CXXVIII and CXXIX = A and B. This relief fragment may have originated in the so-called Hall of the Seven Line Series as already suggested by Hayim Tadmor. *The Inscriptions of Tiglath-pileser III, King of Assyria*, Jerusalem, 1994, p. 240. See, further, his reconstruction of the war series in this hall: Ibid. Fig. 11, on pp. 241–48.

8 Janusz Meuszyński (as director), *Nimrud: Inventarz Elementów Architektonisznych 1974–1975–1976* (field notebook) inventory of architectural elements, p. 40.

9 Richard P. Sobolewski, "Die Ausgrabungen in Kalhu (Nimrud) 1974–76," *Archiv für Orientforschung* 25, 1976, pp. 236–37, Fig. 10.

10 Sobolewski, op. cit., 1979, Fig. 9.

Figure 6. Detail of N–A/43/76, showing the holes in the bas-relief surface.

leaving the forward leg bare from the knee down. The end of the shawl is thrown over the shoulder. It is also often portrayed without wings as here.

There are only a few other known examples of this type of figure: the head of a winged example in Florence, Italy, facing left; a drawing of the same type of figure facing right; and its head in Lyon,[11] although, with the discovery of these other examples of this type of figure by the Polish mission, this identification could be called into question.

Only the front part of the king—his face, beard and part of the garment—survived. His right arm is raised, hand opened and holding what seems to be a single arrow, a triumphant gesture associated with the end of a successful war campaign. His lowered left arm crosses in front of his body and holds a bow, solidly planted on the ground in front of him.

Further details are provided in the field register: Ht. 1.64m; Width 1.23m; thickness 0.15m.[12] Some of the holes are filled with iron fragments.

This motif is unique in the repertoire of Tiglath-pileser III and seems to represent the divine acceptance of the king as great warrior. This relationship and the information it suggests is now lost in the fragment that has appeared on the antiquities market. The king has been sawed entirely off the stone, leaving only the genius. The sawing was not straight: it curves around the raised hand down to the lowered wrist of the hand with the pomegranate branch, which was also removed when the jagged bottom edge of the preserved slab was trimmed off. The raised margin on the left edge of the stone survived.

There are a series of what seem to be different size "drilled" holes on the face of the stone. The origins of these holes, visible on the photographs taken by the Polish excavation's photographer, and some filled with iron, is not determined, but on other bas-relief discovered in the 19th century, bullets have been found embedded in the stone. This suggests that this relief may have been seen in the 19th century, either by Austen Henry Layard's excavators or others, and shot at for sport or in fear of the representations of human or divine figures. In the field notes, the director of the Polish excavation team, the late Dr. Janusz Meuszyński, suggested an alternative interpretation for the holes, that they may have been made by robbers, though he does not write whether he thought the robbers were ancient, or from the 19th century A.D., after Layard left the site. He thought the robbers were trying to break up the stone into smaller pieces for other uses. In any event, whoever made the holes was not the person(s) who removed this bas-relief from the site, and it remained for the Polish excavation team to rediscover it.

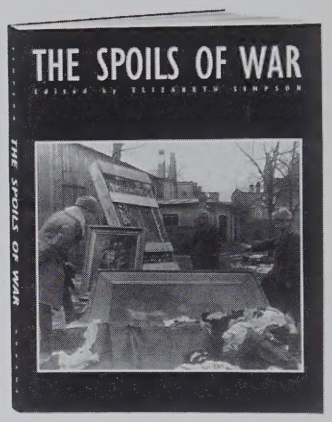
In this case, 19th-century or earlier ignorance and superstition cannot be compared with or used as an excuse by 20th-century robbers for the robbing of storage facilities, the vandalizing of sites or art objects, and the wholesale destruction of historical evidence that this and other pieces once provided.

Samuel M. Paley
Professor, Department of Classics
State University of New York at Buffalo

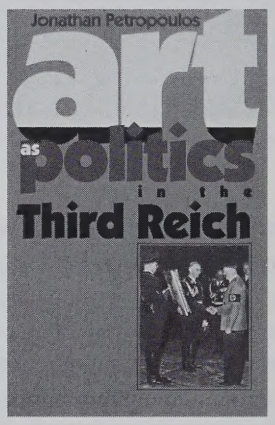
(*with the assistance of* Richard P. Sobolewski, *Warsaw, Poland and* John M. Russell, *Professor, Massachusetts College of Art*)

11 Barnett and Falkner, op. cit., p. 33, pl. CIV; p. 26, pl. CV = Or. Dr. III:S.W. XIV; and p. 26, pl. CVI, respectively.
12 Meuszyński, op. cit., p. 51.

World War II Era Art Restitution: Some Recent Publications Viewed from a Legal Perspective



The Spoils of War, edited by Elizabeth Simpson. New York: Harry N. Abrams, Inc., 1997. 336 pp. Index.



Jonathan Petropoulos, *Art As Politics in the Third Reich.* Chapel Hill: The University of North Carolina Press, 1996. 439 pp. Index. (Paperback edition, 1999)

In 1948, Eve Tucker, who was employed by the United States Army at its Central Collection Point in Munich for processing cultural property looted by the Nazis, predicted that the already gigantic search for such property would probably continue for fifty years. Her estimate might have seemed far-fetched fifty years ago, but the search continues. It has been said that the millions of missing and misappropriated works of art and archives remain the last prisoners of the Second World War.

The Spoils of War documents and discusses the unprecedented destruction, theft and pillage of the European cultural heritage during the late 1930s and 1940s. The book doubles as a richly illustrated exposition of treasures looted during those chaotic years, mostly by the Nazis and Soviets, and a collection of over fifty detailed essays and seventeen legal documents. Contributing authors participated in a 1995 international symposium in New York organized by the book's editor, Elizabeth Simpson of the Bard Graduate Center for Studies in the Decorative Arts.[2] Former IFAR Executive Director Constance Lowenthal was on the symposium organizing committee and on the editorial board of the publication. Together, their essays describe the staggering extent of losses and displacement of cultural heritage, the painful process of rediscovering and reuniting it with rightful owners, the role of law in recovery efforts, and models of restitution.

An opening essay by Jeanette Greenfield, an Australian legal specialist, traces the long history of military and other threats to cultural heritage. Some threats have themselves become heritage: The Arch of Titus in Rome depicts a menorah taken from Herod's Temple in Jerusalem, and children commemorate Olaf Haraldsson's campaign on the Thames in 1009 whenever they sing "London Bridge is Falling Down." Plunder even became a family profession: Lord Elgin's removal of the Parthenon Marbles to London set a precedent for his son, the eighth Earl of Elgin, to destroy the Emperor's Summer Palace in Peking. There was no precedent, however, for Hitler's massive looting of private and public art. His plans to round up all significant art that had left Germany since 1500 and to establish a mega-museum of European art in Linz, Austria, never materialized, but the rape of Europa, as Lynn Nicholas entitled her 1994 seminal study of the Nazi pillage, eventually victimized most of the continent.

A good place to begin understanding the relationship between the Linz project and the unprecedented pillage of Europe by the Nazis is ***Art as Politics in the Third Reich*** by the historian Jonathan Petropoulos. Its two main parts, entitled Administering Art and Collecting Art, conclude with a riveting photograph from early 1945. In it, the bunkered Hitler, looking like a rumpled train conductor, seems to be transfixed by a vast model of the Linz project. The symbols and dreams of a cultural Valhalla, even as the curtains fell on the Nazi nightmare, represented more than one man's escape from reality, however. It is evident that Hitler's cultural vision formed an important part of the *Führerprinzip* (the Leader Concept) by which he commanded the allegiance of his henchmen and foreign tributaries.

The cultural pretensions of a failed artist help, then, to explain "a central paradox

1 Parts of this article were previously published in *The American Journal of International Law*, and are reproduced with permission from 92 AJIL 804 (1998) © The American Society of International Law.

2 The symposium spawned not only this book, but also an international newsletter, *Spoils of War*, published in Magdeburg, Germany, and a website (www.beutekunste.de).

of the Third Reich: these venomous individuals were engrossed with art" (p. 16). Goebbels, for example, is portrayed as a cynical parvenu whose transformation into an antimodernist resulted from his realization of Hitler's distaste for abstract images. By 1937, as Reichsminister for Public Enlightenment and Propaganda, Goebbels had interpreted his portfolio to require the notorious Degenerate Art Exhibition that initiated a massive trashing of ideologically subversive art for the remainder of the Nazi years. By wartime, some artists such as the expressionist Emil Nolde were prohibited from painting. Threatened by Gestapo agents, Nolde turned from oils to watercolors because they were odorless and less likely to leave telling pigmentation on his brushes.

Petropoulos ably demonstrates how the attitudes of the Nazi elite toward art and their acceptance of its political centrality eventually dominated their self-conceptions, interrelationships, and political agendas. At their most civilized, the likes of Göring and Himmler developed a common vocabulary of art-related signs, symbols and behavior that produced an elaborate and subtle system of tribute-paying and gift-giving in works of art. In that way the Nazi leaders sought to manifest their compliance with the *Führerprinzip*, and thereby promote their individual status in the regime, to project an image of cultural solidarity and respectability, and to propagandize the totalistic ideology of a constructed *Volk*. Hitler's administrative philosophy of divide-and-rule fueled these aspirations by encouraging bureaucratic competition. "Like sharks who need to move to survive" (p. 176), Nazi leaders used art to jockey for power on personal, factional, national and ideological (racist) levels. The Goebbels-Rosenberg rivalry, for example, seems to have been played out in terms of art-related initiatives.

On the diplomatic level, Petropoulos suggests a correlation between gift-giving and military fortunes. For example, on what turned out to be the eve of Mussolini's demise, Hitler shrewdly vetoed a proposal to repatriate Leonardo da Vinci's *Picture of a Woman* to Italy as a gift. But the nuances of diplomacy did not apply to the systematic confiscation of Jewish and other property launched in Vienna with the Rothschild collection. What began as a cultural quest became a conquest, not only for the purpose of stuffing the projected Linz museum and other approved galleries, but the living rooms of the Nazi elite as well. Even the pretense of forced sales, such as that which relieved the Czernin family of Vermeer's *An Artist in His Studio*, mutated into rampant plunder. Once art historians had been assigned to SS divisions and the Sonderkommando Ribbentrop had organized a plunder of occupied areas, forty to fifty freight cars of looted treasures rumbled westward to Germany each month. So pervasive was the administration and collection of art by the Nazi elite, one might assume that that is what Nazism was all about. ***Art As Politics in the Third Reich*** offers a page-turning story of ideology, power, and avarice. The book's copious index, marred only by the publisher's transposition of a couple of pages, provides a useful reference to a welter of cultural politics and a thieves' market full of art-engrossed thugs at the pinnacle of power.

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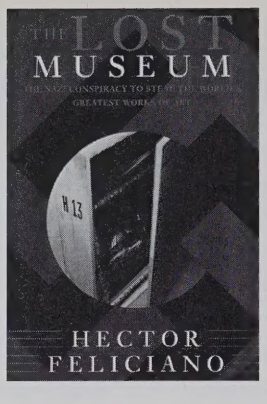
The Nazi pillage invited retaliation and copycat seizures of cultural objects. As ***The Spoils of War*** documents, trainloads of "trophy art" were taken by the Soviets as "compensatory restitution" for war losses of all sorts. They have only recently come to light in the Hermitage, the Pushkin, and other, mostly Russian, museums. There they repose as "twice saved" art. Werner Schmidt's essay recalls Soviet removal from Germany not just of fine art and archaeological material, such as the Trojan Treasures excavated by Heinrich Schliemann, but of archives and valuable library collections, including two Gutenberg Bibles, rare manuscripts and thousands of incunabula. Despite international agreements between Germany and Russia in 1990 and 1992, attempts to exchange or otherwise return wartime spoils have been disappointing. Bad memories, bad faith and bad domestic laws have often been at fault, but there are technical impediments to restitution of material as well. For example, in 1945 and 1946 Soviet detachments in Germany confiscated important reference libraries, inventories, academic indexes and photographs. Much of this documentation is missing, making the accurate identification of some missing treasures difficult or impossible fifty years later.

Essays in ***The Spoils of War*** by Lawrence Kaye, Ely Maurer, Thomas Kline, Wilfried Fiedler, Stephen Urice, Mark Boguslavsky and others sketch the legal framework for restitution and the exchange of cultural property. Several contributors develop a case study of the Quedlinburgh church treasures involving Germany's recovery of precious medieval reliquaries and manuscripts that an American soldier hustled out of Germany in April 1945 and that only came to light publicly after his death in 1980 when his family tried to sell them. Litigation of the issues facilitated return of the material. Despite such legal initiatives, however, it is hard to be optimistic about the efficacy of broad legal prescriptions for the return and the restitution of cultural material. Statutes of limitation, rules of acquisitive prescription or adverse possession, and civil law protections of bona fide purchasers all conspire to inhibit efforts to return property to rightful owners The recent legal brouhaha about the status of two works by Egon Schiele on loan from Vienna's Leopold Museum to New York's Museum of Modern Art underscores the problems of reconciling the values of international lending and restitution of cultural material.[3] Multilateral agreements, notably the Hague Conventions of 1907 and 1954 (the latter specifically on the protection of cultural heritage during armed conflict), have been only marginally effective in deterring and redressing the acquisition of spoils.

3 In March 1999, the New York Supreme Court Appellate Division overturned a court decision quashing New York District Attorney Robert Morgenthau's subpoena of two paintings by Egon Schiele that were loaned by the Leopold Foundation in Vienna to the Museum of Modern Art in New York for a temporary exhibit. The ownership of the paintings, possibly stolen during World War II, is disputed and is under investigation by a New York grand jury. The Museum has said that it will appeal the recent decision.

More promising, in the long run, are negotiations, diplomatic pressures, public opinion, and the ethics of museums and individual possessors of contraband. In her essay in ***The Spoils of War***, Lyndel Prott, a UNESCO official, moves beyond legal prescription to identify and discuss eight principles for resolving disputes concerning cultural heritage displaced during the Second World War. This is a more complicated task than might be apparent. One of her principles, for example, addresses issues involving multiple transfers of cultural materials in the legal framework of armed conflict: "Where there have been successive displacements, the objects will be returned to the territory where they were located at the outbreak of hostilities in 1939" (p. 228). The inspirational essay by Russian library official Ekaterina Genieva on German book collections in Russian libraries highlights the opportunities for European-wide compromise and cooperation in the repatriation of cultural objects as a means to create a shared European community.



Hector Feliciano, *The Lost Museum.* New York: Basic Books, 1997. 280 pp. Index. Originally published as *Le musée disparu*, 1995. Updated and enlarged from the French.

The Lost Museum by Hector Feliciano, an American journalist formerly residing in Paris, now in New York, documents the massive Nazi pillage of Jewish art collections and gallery owners in France, focusing on five of the most important, namely: Paul Rosenberg; The Rothschilds; The Bernheim-Jeune Collection; David David-Weill; and the Schloss Collection. Of some twenty thousand artworks that were confiscated, many have been returned to the rightful owners or their estates, some only to be resold in vague circumstances that further complicate claims of legitimate ownership today. Of particular notoriety, however, are approximately two thousand paintings, sculptures and drawings, often with mysterious pedigrees, that repose in French national museums as part of the Musées Nationaux Récupération.

Feliciano's investigative research has been productive. By disclosing numerous instances of deceit and irresponsibility by current possessors of looted material and their predecessors in interest, he has reinvigorated a long-stagnant effort to identify rightful ownership. For example, after publication of a photograph in *The Lost Museum*, a woman informed the Seattle Art Museum that an Odalisque by Matisse that her deceased parents had donated to the museum appeared to have a suspicious provenance. According to Feliciano, the painting belonged to Paul Rosenberg, a leading Parisian art dealer of the interwar years. Feliciano's research was recently corroborated by an extensive provenance search commissioned by the Seattle Art Museum, which has since returned the painting to the Rosenberg family. Another painting once owned by Paul Rosenberg, a 1904 *Waterlilies* by Monet, which was in the collection of the Musée des Beaux Arts in Caen, France for years was recently identified—while it was in the United States—and was returned to the Rosenberg family this spring.

The Lost Museum has also inspired French national museums, at long last, to publicize the location and uncertain origins of other artworks scattered throughout the country. Dozens of legal claims have resulted from this initiative. Feliciano's exposé of missing French art, which constitutes most of the book, is a major contribution to scholarship and the interests of justice. His discussion of the Swiss and Russian connections, which constitutes the short concluding chapters, seems less pioneering today, in view of all that has recently come to light.

In ***Art Treasures and War***, Polish Professor Wojciech Kowalski addresses three themes as they relate to cultural heritage: the concept of restitution and international law, the general practice of restitution and the legal aspects of restitution in the aftermath of the Second World War.

Kowalski is primarily concerned with the development and application of classic legal doctrine, which he carefully summarizes. Of particular interest is his analysis of mutations in the meaning of the term "restitution," most recently in ambiguous provisions of bilateral agreements of 1990 and 1992 between Germany and Russia. (Regrettably, these agreements have not yet been enforced, and in 1997 the Russian parliament passed legislation over President Yeltsin's veto declaring German war property in Russia to be Russian property—effectively nullifying the earlier agreements. Parts of the 1997 legislation, however, were recently struck down by Russia's Constitutional Court.)

Art Treasures and War includes several interesting documents pertaining to restitution of property in German-occupied Poland and Allied-occupied Germany. As a restatement of current law, the book might benefit from greater attention to a number of contemporary initiatives, including UNESCO resolutions on restitution, the broader legal framework of conventional law to protect the cultural heritage, the 1996 UNIDROIT convention on Stolen or Illegally Exported Cultural Objects, and the role of nongovernmental organizations. An extensive index is strong on classic international law and Polish sources but somewhat spotty on current English- and French-language sources.

Kowalski, who was also a contributor to ***The Spoils of War***, offers valuable political insights into some neglected issues, for example, the implications of a succession of states and the effect of territorial

Wojciech W. Kowalski, *Art Treasures and War: A Study on the Restitution of Looted Cultural Property, Pursuant to Public International Law.* Leicester: Institute of Art and Law, 1998. 171 pp. Index. Polish edition appeared in 1993.

changes in Eastern Europe on the repatriation of cultural property. In this regard, he perceives a growing acceptance of the "territorial link" rule as "the only solution" (p. 89) for resolving cultural heritage issues resulting from postwar border changes. Kowalski is critical of the Russian Duma's invocation of a Soviet-inspired right, or alleged right, to "compensatory restitution" as a justification for legislation prohibiting return of material to Germany. The character of this so-called right is puzzling. Does it refer to restitution in kind, as the term suggests, or reparations? Kowalski concludes that Russia's retention of the German material as "trophy art" must be regarded as a form of reparations not recognized by international law.

Kowalski reveals some interesting sources of modern doctrine. Take, for example, the core principle of a common heritage of humankind. In 1813, amid hostilities between Britain and the United States, the Vice Admiralty Court at Halifax ordered a British shipowner to return a collection of Italian paintings and engravings to the Academy of Fine Arts in Philadelphia. The shipowner's vessel had wrongfully seized the items. Even in time of war, "the arts and sciences…are considered not as the peculium of this or that nation but as the property of mankind at large, and as belonging to the common interests of the whole species" (p. 24, quoting J. B. Moore). The tribunal held that this common interest was best expressed by the law of nations, which required restitution of the material to the Academy.

In the evolving rhetoric of international claims, this commonality principle, though still transforming, has itself been transformed. Today it is less a premise for international restitution of cultural material than an argument against it or at least against patrimonial claims by countries of origin. From that viewpoint, commonality translates into a license for free trade in cultural material. At a deeper level, however, the commonality principle still undergirds international cooperation to protect such material, deter illegal trafficking in it, and provide restitution or return of its rightful ownership. The 1954 Hague Convention, the 1970 UNESCO Convention on illegal trafficking in cultural property, and the 1996 UNIDROIT Convention all enshrine this principle. The effort to rectify deprivations resulting from the European-wide pillage of the 1930s and 1940s, suspended for so long by the Cold War, can only succeed on the basis of a common heritage in the justice of returning objects to their rightful owners or successors.

James A. R. Nafziger
Professor, Willamette University College of Law
Member, IFAR Law Advisory Council

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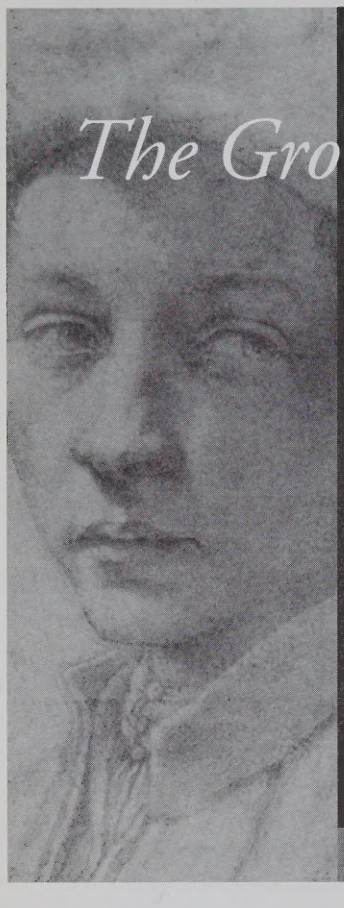

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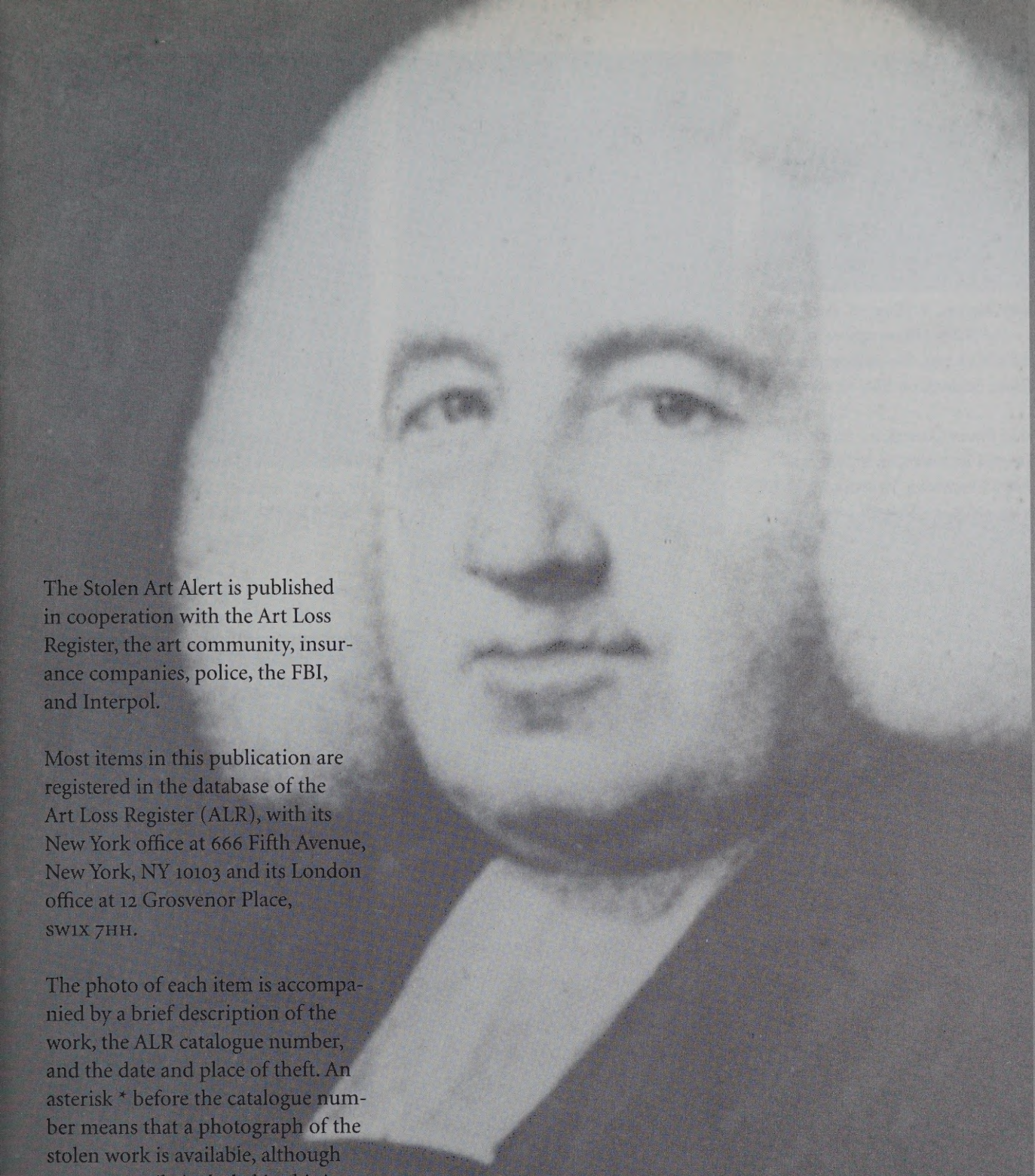
Stolen Art Alert



The Stolen Art Alert is published in cooperation with the Art Loss Register, the art community, insurance companies, police, the FBI, and Interpol.

Most items in this publication are registered in the database of the Art Loss Register (ALR), with its New York office at 666 Fifth Avenue, New York, NY 10103 and its London office at 12 Grosvenor Place, SW1X 7HH.

The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, and the date and place of theft. An asterisk * before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

The information contained in each entry is supplied by the owner, and IFAR does not accept responsibility for its accuracy.

Anyone wishing additional information should contact the ALR at (212) 262-4831.

Stolen Art

PAINTINGS

36. Lewis Lang (19th century). *Portrait of Little Girl,* 1874. Oil on canvas. 14" x 10". Signed and dated. *N99.134. Stolen from a gallery in Stamford, CT on April 5, 1998.

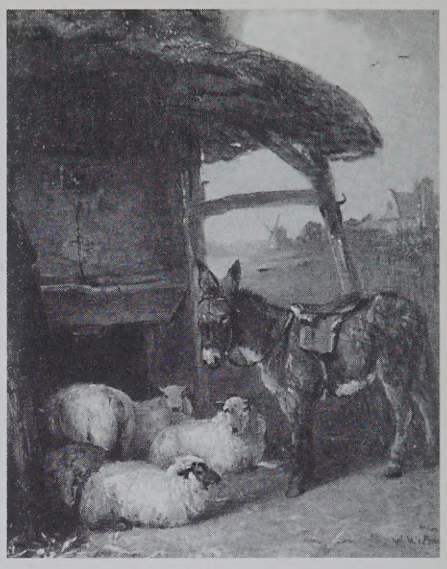
37. Henry Weekes, Jr. (English, 1849–88). *Donkey and Sheep.* Oil on canvas. 9" x 7". Signed l/r. *L99.1133. Stolen from a gallery in London, England on May 12, 1999.

38. Waldo Pierce (American, 20th century). *Harvard Tercentenary, 18 Sept 1936 (Procession Descending Widener Steps).* Oil on canvas. 30" x 40". Signed, dated, l/r: for Bill/WPierce 1937. Inscribed on back: Harvard Tercentenary/18 Sept 1936/30" x 40"/for Bill Bingham '16/ and his top hat/Waldo Pierce/ Bangor Maine/ 1937. *N99.107. Stolen from a resident dormitory in Cambridge, MA on February 5, 1999.

39. Thomas Gainsborough (English, 1727–88). *Reverend Samuel Peploe,* 1773. Oil on canvas. 30" x 25". *L99.835. Lost in transit from Norwich, England to Kent, England in 1957.

40. *Hunting Scene* (English, 18th century). Possibly signed J. Van der Beken. 5'3" x 3'. *L99.974. Stolen from a private residence in Haverthwaite, Cumbria, England on April 24, 1999.

36.



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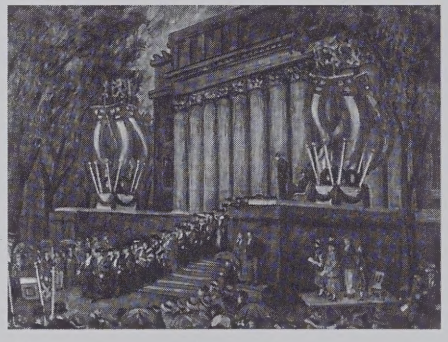

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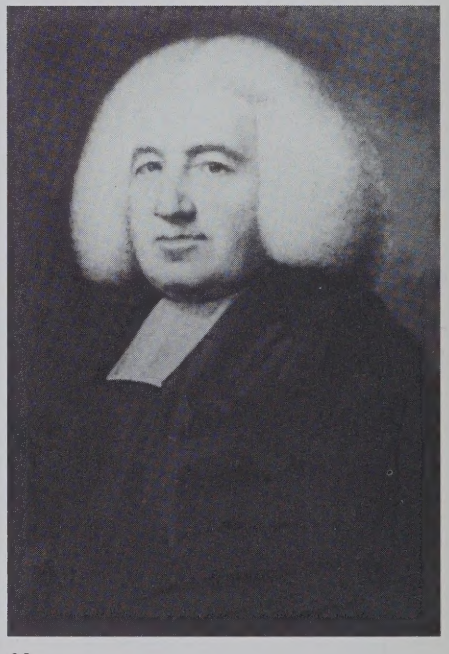


39.

40.

The following two paintings were stolen from a private residence in Holmbury St. Mary, England on December 17, 1998:

41. Marais Milton (English, 19th century). *His Eminence*, c.1864/5. *L99.367.1.

42. Benjamin Williams Leader (English, 1831–1923). *Thames Backwater.* *L99.367.2.

The following three paintings were stolen from a gallery in San Antonio, TX on March 2, 1999:

43. Antonio Parentana (Italian, 16th century). *Portrait of a Young Girl*, c.1605. Oil on canvas, Approx. 42" x 24½". Signed l/l and inscribed u/r: "ANNORVMTRIVMCV DIMIDIO." *N99.118.2.

44. Edouard-Jean-Marie Hostein (French, 1804–89). *Shipping on a River.* Oil on canvas, 39½" x 27½". Signed l/l. *N99.118.1.

45. Pierre-Eugéne Montezin (French, 1874–1946). *Paysage de Campagne.* Oil on canvas. 29" x 37". Signed l/r. *N99.118.3.

41.

42.

43.

44.

45.

The following are just two of the 72 paintings stolen from a residence in Herstal, Belgium:

46. Caron. *Farms.* 40 x 28 cm. *L99.1066.41.

47. Jan Wouwerman (17th century). *Le marché aux animaux.* 100 x 70 cm. *L99.1066.58.

46.

47.

The following stolen item was originally published in IFARreports, Vol. 16, no. 1, January 1995 and has not yet been recovered:

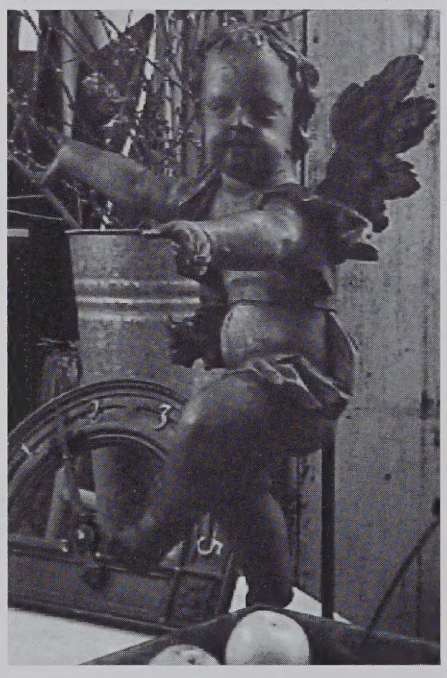
48. *Landscape,* ca.1800. (American, 19th century). Oil on canvas. 50.8 x 60.9 cm. Restored, cleaned with inpainting, relined and with a modern composition backing. *N94.401.1. Washington, DC. Mar. 1, '92.

48.

SCULPTURE

49. Malvina Hoffman (American, 20th century). *La Frileuse,* c.1913. Cast bronze fountain statue. Ht.: 40". Weathered verdigris patina. Signed. Inscribed: "The Roman Bronze Works, New York." *N99.114. Stolen from a private residence in Sorrento, ME on March 30, 1999.

50. *Cherub* (French, c.18th–19th centuries). Wood with reddish tint; supported by black metal rod and base. Ht.: Approx. 24 in. *N99.101. Stolen from a gallery in Los Angeles, CA on Feb. 22, 1999.



50.

49.

CERAMICS, PORCELAIN

51. Fulda (German, 18th century). *Gardener,* c.1770. Hard-paste porcelain. Ht.: 19.3 cm. "X" in underglaze blue. Labeled in ink with the accession numbers "1996.5.196" and "948." *N99.147. Stolen from a museum in Toronto, Ont., Canada between May 12 and May 23, 1999.

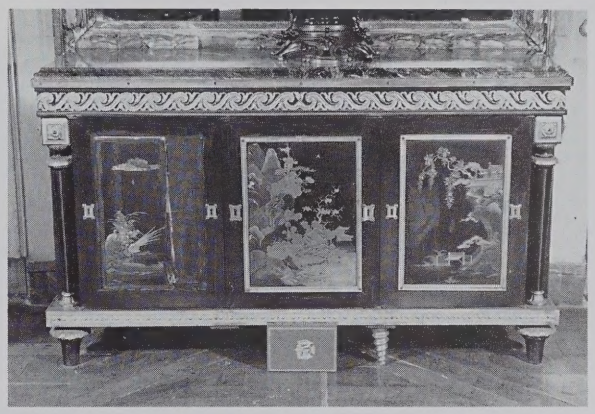
51.

FURNITURE

52. Sideboard. *L99.1084. Stolen from a gallery's van in London in early May 1999.

53. Commode. Japanned lacquer with a dark background. Three doors are decorated with Japanese motifs. Veneered marble top. Mark: heart. *L99.816. Stolen from the Château de Champlarreux in France.

52.

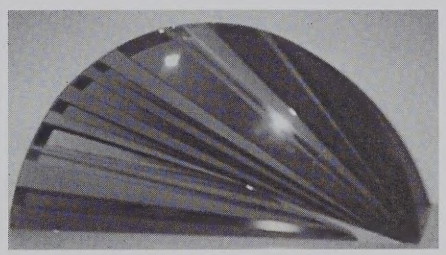


53.

GLASS

54. Pavel Hlava (20th century). *Colored Fish.* Multicolored. *N99.152. Stolen from a gallery in Boca Raton, FL on October 9, 1998.

55. Leaded glass window (not Tiffany). "River of Life" scene in predominantly blue and green with some brown and gold. 27" x 38". Another similar window in rose, gold, green, and brown measuring 54" x 76" was also taken. *N99.141.1. Discovered missing from Maimonides Cemetery in Jamaica, New York in 1998.



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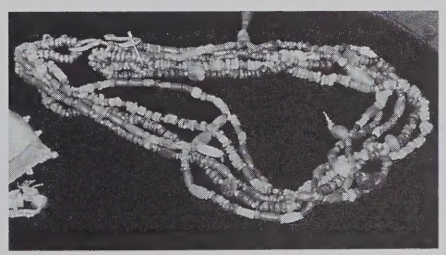


56.

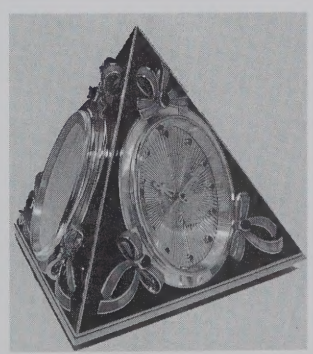
55.

JEWELRY

56. Necklace (from area now known as Afghanistan, c.2nd–1st mill. B.C.). Five strands of lapis lazuli, agate, and turquoise beads with seven gold Bactrian beads. *N99.102. Stolen from a gallery in Santa Fe, NM on Feb. 10, 1999.

CLOCKS

57. Asprey (English, 20th century). Desk clock. 18kt gold, amethyst, pink coral, nephrite. Pyramid. Ht. 5". Clock on one face—inscribed "Asprey"—and picture frames on two remaining faces. *N99.122. Beverly Hills, CA. April 11, 1999.



57.

MUSICAL INSTRUMENTS

58. Antonio Stradivarius (Italian, 1644–1737). Violin, c.1709. Has a distinctive mark, insignia of King Maximillian, under the button. *N99.142. Stolen in an oblong case along with a gold-mounted Tourte-style bow on May 29, 1999.

59. Violin. With original label by Pressenda 1837. Worn underneath the chinboard. The figure of the ribs and of the maple on the two-piece back is broad and descends from left to right. The tailpiece in inlaid with a "paris eye" and has a brass bar and a golden adjuster. *L99.292. Stolen in London, England on January 30, 1999.

58.

59.

RUGS, CARPETS

60. Kilim (Central Anatolian, 19th century). Wool. 14'9" x 4'11". Another similar rug measuring 12'8" x 5'3" is also missing. *N99.129.2. Lost in transit between New York, NY and Chicago, IL on November 20, 1998.

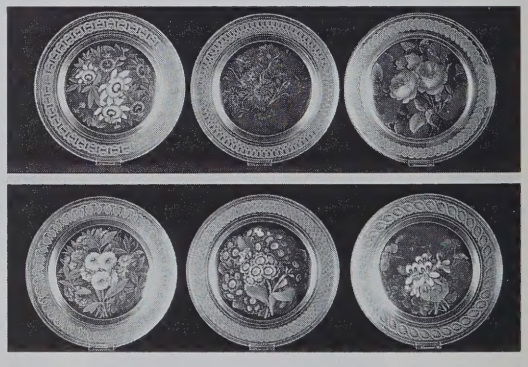
60.

Missing Art

3. Orivit (German, 20th century). Table mirror, c.1904. Art Nouveau. Partially gilded metal with beveled edges. Ht.: 47.3 cm. Inscribed: Orivit. *N99.130.1.

4. KPM, Berlin (German, 19th century). Tableware (6 pieces), c.1832–36. Porcelain. Diam: 25 cm. Floral compositions on black background with gold rim. *N99.130.2.

3.



4.

61.

62.

Stolen Art

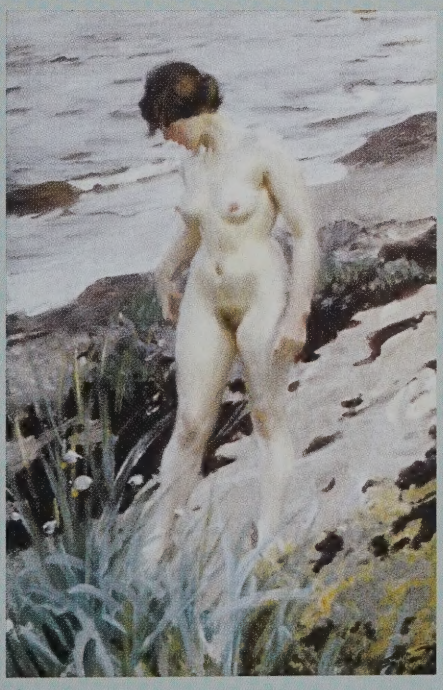
61. Pablo Picasso (Spanish, 1881–1973). *Dora Maar,* 1938. Oil on canvas. 82.5 x 72.5 cm. Inscribed by the artist l/l: 26.04.38. *L99.357. Stolen from a Saudi yacht in Antibes between March 7 and March 11, 1999. The ship's crew was arrested. Lloyd's is offering a 530,000 euro reward.

62. Vincent van Gogh (Dutch, 1853–90). *Le saule, Nuenen 1884/1885.* Oil on panel. 40.5 x 29.5 cm.. *L99.975. Stolen from a bank office in 's-Hertogenbosch, The Netherlands between May 12 and May 14, 1999. A guard discovered the theft on the morning of May 14. The painting has an estimated value of $350,000.

63. Aristide Maillol (French, 1861–1944). *Petite Mediteranée,* 1902. Cast bronze with green patina. 17.7 x 20.5 x 10 cm. Edition 2/6. Inscribed: 2/6 Binge et Cosenoble Fondeurs, Paris m. *N99.153. Stolen from the Basel Art Fair on June 18, 1999.

64. Anders Zorn (Swedish, 1860–1920). *Nude Woman at Seaside,* 1914. Oil on canvas. 110 x 65 cm. *L99.355.1. Stolen from a private collection in Nässjö, Sweden on March 16, 1999.

63.



64.

5.

Missing Art

5. Venus (Roman, 2nd century A.D.). Marble statuette. Ht. 37.0 cm. Figure has Cupid on her shoulder. *L99.720.1. Disappeared from a New York location between November 1995 and January 1996.

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